

SCHOOL BOARD OF BROWARD COUNTY

AUDIT COMMITTEE MEETING

Wednesday, September 30th, 2020

2:07 p.m. - 4:18 p.m.

HELD VIA MICROSOFT TEAMS

all attendees present via virtual platform

Court Reporter:

Timothy R. Bass, stenographic reporter

Bass Reporting Service, Inc.

633 SE 3rd Avenue, Suite 200

Fort Lauderdale, FL 33301

1 COMMITTEE MEMBERS IN ATTENDANCE:

2 MR. ROBERT MAYERSOHN, CHAIR
MR. ANDREW MEDVIN, VICE CHAIR
3 MR. ANTHONY DE MEO, CPA
MS. HAGEN DISCH
4 MS. MARY FERTIG
DR. NATHALIE LYNCH-WALSH
5 MS. CONNIE POU
MS. PHYLLIS SHAW

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OFFICE OF THE CHIEF AUDITOR STAFF:

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MR. JORIS JABOUIN, Chief Auditor
9 MS. ALI ARCESE, Manager, Property and Inventory Audits
MS. ANN CONWAY, Manager, Internal Funds Audits
10 MS. JENNIFER HARPALANI, Manager, IT Audits
MS. MEREDITH ARLOTTA, Manager, Operational Audits
11 MR. ERIC SEIFER, Auditor III
MR. BRYAN ERHARD, System Support Specialist II
12 MS. MICHELE MARQUARDT, Executive Secretary
MS. ASHLEY ACEVEDO, Inventory Audit Specialist

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14

DISTRICT STAFF:

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MR. DAN GOHL, Chief Academic Officer, Office of the
16 Chief Academic Officer
MR. THOMAS COONEY, Assistant General Counsel, Office
17 of the General Counsel
MR. FRANK GIRARDI, Executive Director, Office of Chief
18 Facilities & Construction Management
MR. ROBERT HAMBERGER, Chief Building Official,
19 Building Department
MR. RON MORGAN, Assistant Chief, Building
20 Official - Inspections
MS. SHELLEY MELONI, Director, Pre-Construction, OFC
21 MR. PHILLIP D. KAUFOLD, Director Construction
Mr. DAVE ARCHER, Director, Program Controls, OFC
22 MR. ASTON HENRY, Director, Risk Management
MR. DIVINE E. AMOAH, Manager, Architectural
23 Engineering
MS. DEBRA CONNELLY, Executive Secretary, OFC
24 LINDA B. LOWERY, Teacher, Annabel C. Perry PK-8

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1 INVITED GUESTS:

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MR. DAVID LUKER, Director, RSM

3 MR. CHRIS GUMS, Risk Advisory Services, RSM

MR. DANIEL JARDINE, Program Director CBRE/HEERY

4 MR. MICHAEL BOBBY, CBRE/HEERY

MS. ASHLEY CARPENTER, Atkins

5 MS. KATHLEEN LANGAN, AECOM

MS. YVONNE GARTH, President, Garth Solutions, Inc.

6 MS. DENIECE WILLIAMS, Garth Solutions, Inc.

MR. TIMOTHY BASS, Court Reporter, Bass Reporting

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8 ADDITIONAL GUESTS:

9 MR. ANDREW GRUB, Student

MS. EVA VELVET MARTIN

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1 Thereupon, the following proceedings were had:

2 MR. MAYERSOHN: All right. So I guess we can
3 start the meeting.

4 Are we recording?

5 MR. JABOUIN: Bryan, can you please start the
6 recording.

7 MR. ERHARD: Yes, I just started.

8 MR. MAYERSOHN: Okay. Welcome to the
9 Wednesday, September 30th, 2020 Special Audit
10 Committee Meeting. A quorum is present.

11 Let's all rise for the pledge.

12 (Whereupon the pledge of allegiance was
13 recited.)

14 MR. MAYERSOHN: Thank you. First, we need
15 approval -- a motion to approve the agenda.
16 Anybody want to make a motion? Ms. Shaw?

17 MS. SHAW: So moved.

18 MS. POU: Second.

19 MR. MAYERSOHN: Second by Ms. Pou.

20 MS. FERTIG: I'm here. Mary Fertig, I'm
21 here.

22 MR. MAYERSOHN: Who made the second, just
23 for --

24 MS. FERTIG: I made it and maybe Ms. Pou did
25 simultaneously. I don't know.

1 MR. MAYERSOHN: All right. So we'll give it
2 to Ms. Pou.

3 MS. POU: Thank you.

4 MR. MAYERSOHN: All those in favor signify by
5 saying aye?

6 COMMITTEE MEMBERS: Aye.

7 MR. MAYERSOHN: Any there any opposes?

8 (No response.)

9 MR. MAYERSOHN: Seeing none, the ayes have
10 it.

11 Before we go on to the Chief Auditor's
12 Administrative Matters, I do want to recognize
13 that I believe yesterday was Mr. Jabouin's
14 birthday. I believe he turned 25. So I do want
15 to just have us wish him a happy birthday.

16 We're not going to sing, mind you. Unless
17 Ms. Fertig would like to.

18 MS. FERTIG: I leave that to you and I know
19 you'll do a great job. Happy birthday.

20 MR. JABOUIN: Thank you. That was a
21 surprise. I was not expecting that. So thank
22 you very much.

23 MS. SHAW: Happy birthday.

24 MR. MAYERSOHN: All right. Mr. Jabouin,
25 administrative matters.

1 MR. JABOUIN: Thank you very much. I'm Joris
2 Jabouin, the chief auditor. I would like to, as
3 my first administrative item, recognize any of
4 the cabinet members that are in attendance; if
5 you can kindly chime in with your name?

6 (No response.)

7 MR. JABOUIN: I do see Mr. Strauss, Dr.
8 Hickman, Mr. Gohl, Mr. Katz, Sullivan and Coke on
9 there, but maybe they're not actively in the
10 meeting.

11 We do have a court reporter in the meeting as
12 well. So we are using the same court reporting
13 service that we used for the August 13th and the
14 September 14th meeting. The court reporters have
15 asked me to please ask the committee members to,
16 please, state their name as well as the guests
17 before they speak.

18 And then if people are not speaking, if you
19 could be able to take off your camera because
20 then that would allow the people that are
21 speaking to be able to be on camera and it would
22 allow the court reporting process to work much
23 simpler. I have asked the court reporter, as
24 they did last time, to jump in if they have any
25 questions and they were able to do so

1 appropriately at the last meeting.

2 I would like the committee members to note
3 that we did mail CE Form 8B, Memorandum of Voting
4 Conflict for Community, Municipal and Other Local
5 Public Officers. That was mailed yesterday on
6 September 29th. If applicable, I would need to
7 have those signed by the members in the case of a
8 voting conflict.

9 The time guides that are on the agenda, those
10 are not required, but they're -- we put them in
11 there to allow the committee to pace itself, and
12 then also staff members are aware of those times
13 so that that way they can join in as well.

14 I am hoping that we are able to get through
15 the agenda as there are members of management
16 that are in the meeting that attended the
17 previous meetings on the 11th and the 14th, as
18 well, and RSM was on there, we do get charged for
19 the time that they are in those meetings, and the
20 more time that they spend away from doing
21 fieldwork the less time that they have for that.

22 But I am very grateful for the committee to
23 be able to have another meeting. I did also get
24 some comment from some of the committee members
25 as far as some of the challenges that they have

1 and I'm grateful that you're able to join us.

2 Regarding the forms, the acknowledgment of
3 School Board Advisory Committee Member
4 Responsibilities Form, I did mention that we need
5 those back. So far we've received 4 of the 12.
6 If I could kindly get those back. We will resend
7 those forms at the end of this week so that we're
8 able to get them back from the committee.

9 And then with respect to the committee's next
10 meeting, due to the expiration of the Governor's
11 executive order allowing virtual quorum
12 attainment at these type of meetings, that's
13 going to expire tonight. So for the next
14 committee meeting we will need to have a physical
15 presence for quorum. So I will be, pending any
16 discussions that they have at this meeting, I
17 will be sending out the invitation so we can get
18 a quick count, as it's not just the meeting, it's
19 all of the different arrangements that I need to
20 be able to ensure as well as public participation
21 as well. So we will be sending out another
22 invitation that I'm hoping to get a quick reply.
23 Either way we'll be delivering the documents
24 on-line.

25 And, Mr. Chair, this concludes the

1 administrative items that I wish to discuss with
2 the committee.

3 MR. MAYERSOHN: Okay. Dr. Lynch-Walsh, you
4 have a question?

5 DR. LYNCH-WALSH: Yes. At the last meeting
6 we discussed a couple of things that relate to
7 physical quorum. The first thing -- and the
8 district has been aware of this for at least a
9 couple of weeks and I haven't seen a response as
10 chair of the Facilities Task Force. So Executive
11 Order 52, which establishes the state of
12 emergency, is tied to Executive Order 69, which
13 is the executive order that suspended the
14 in-person quorum requirements. For some reason
15 the state started extending 69 independent of 52,
16 but, essentially, 69 says that as long as 52 and
17 its extensions are in effect, it is in effect.
18 So that's one issue that they should have been
19 seeking clarification on.

20 The second one I believe you brought up at
21 the last meeting, which was the emergency rule
22 making, which could change -- the state does not
23 control the number of members required for
24 quorum. The Board does. So they could certainly
25 lower that number. Because I have not seen an

1 advisory yet where there were enough members
2 willing to come in to make quorum. And I don't
3 think that volunteers should be forced to come in
4 when there are other options on the table,
5 specifically, the Board's ability to reduce the
6 number of members required for physical quorum.

7 So can we get an answer? Before we all start
8 figuring out how much we love being on the audit
9 committee and the length that we will go to
10 volunteer, can the Board do its part and address
11 the quorum issue? They have been asked by other
12 advisory groups as well.

13 MR. MAYERSOHN: Okay. Ms. Fertig?

14 MS. FERTIG: Along those lines, I'm
15 wondering -- and I know the audit committee may
16 be more problematic than some committees, but I'm
17 wondering if the Board can change a policy that
18 provides for virtual meetings.

19 I really feel that what we've seen during the
20 last few months is that we actually have more
21 attendance in many meetings when they're virtual
22 than when they're in person. And so I would ask
23 that we have the Board take up that topic and
24 that might resolve some of the other issues.

25 MR. MAYERSOHN: Well, here's what I would

1 like to suggest, and I guess I'd turn to Mr.
2 Jabouin and find out if anything on the October
3 8th meeting is of urgency or pressing? Because I
4 don't know necessarily whether or not, you know,
5 even at the point of somebody says, yeah, I'm
6 going to come and attend, you know, the meeting
7 and let's say for some reason they, you know,
8 have a temperature or they don't feel well and
9 they're not going to come, is -- I would say,
10 just as a matter of health and life safety,
11 because there's a lot of coordination and other
12 things, that we possibly look at cancelling or
13 postponing the meeting unless there's something
14 of urgency on that October 8th meeting.

15 So is there anything of urgency on the
16 meeting?

17 MR. JABOUIN: Mr. Mayersohn, for the October
18 8th meeting none of the potential agenda topics
19 are urgent. The very likely reports that we
20 would have would have been the BECON follow-up
21 report, but that is not urgent. There is also
22 another project that RSM is doing, as well, that
23 is also not urgent.

24 If the committee chooses to roll that into
25 the November meeting, we would need to have some

1 extra time for the November meeting, because
2 there are some time-sensitive agenda items for
3 the November meeting, particularly the
4 comprehensive annual financial report. And I
5 also will likely have some other reports that
6 will be ready by November. So if that's the
7 case, I'd like to request a 10:30 start instead
8 of the normal 11:30 start for the November 19th
9 meeting.

10 MR. MAYERSOHN: All right. Is there anybody
11 that has a -- Ms. Fertig?

12 You've got to unmute.

13 MS. FERTIG: I put the camera on. That was
14 good.

15 I would like to move that we cancel the
16 October meeting, defer the items to the November
17 meeting, and meet at 10:30.

18 MR. MAYERSOHN: Do I have a second?

19 MS. DISCH: I second it. Hagen Disch.

20 MR. MAYERSOHN: Ms. Disch, you second?

21 Okay. Is there any discussion on the item?

22 (No response.)

23 MR. MAYERSOHN: Seeing none, all those in
24 favor signify by saying aye?

25 COMMITTEE MEMBERS: Aye.

1 MR. MAYERSOHN: Anybody opposed?

2 (No response.)

3 MR. MAYERSOHN: Okay. There you go, Mr.
4 Jabouin. So we are cancelling the October 8th
5 meeting and anything that is on that agenda we're
6 moving to the November meeting with a start time
7 of 10:30.

8 MR. JABOUIN: Thank you, sir.

9 MR. MAYERSOHN: Okay. All right. Now, do we
10 have public comments? Are there any public
11 comments on anything on the agenda?

12 MR. JABOUIN: Mr. Chair, we did not receive
13 any public comments at all for any of the items
14 in the meeting.

15 MR. MAYERSOHN: Okay. Seeing no public
16 comments, now we're going to try to finish,
17 hopefully, the RSM Roofing Analysis.

18 What I'd like to kind of emphasize is, let's
19 be succinct in our comments. This is, you know,
20 an important item for us to look at. I don't
21 want to diminish the value of it. But I want to
22 make sure that we finish it today. I really
23 don't want it to be lingering, and lingering, and
24 lingering. I think we can do that, but just
25 let's keep apprised of the time that we have and,

1 you know, let's look at items that we've got.

2 So, with that being said, I think we were on
3 item number 4, just to --

4 Yes, Mr. Jabouin?

5 MR. JABOUIN: Mr. Mayersohn, can I kindly go
6 through the different items that are on the
7 agenda for the committee?

8 MR. MAYERSOHN: Sure.

9 MR. JABOUIN: So Agenda Item 4, it has the
10 Roofing Process Analysis. So this is the same
11 exact document that the School Board saw on
12 August 11th at the workshop. And then the
13 committee also saw that same analysis report at
14 its August 12th and its September 14th meeting.
15 The document has not changed much and it has the
16 original responses.

17 The second document is a supplemental
18 information document that is new to the
19 committee. It's being provided by RSM because of
20 a question with respect to the 10th sample that
21 was chosen for review.

22 The third and fourth documents are addendums
23 to the original response in the first document
24 and they're based on questions that the Board
25 members had on the analysis report that we went

1 back and we looked at and we asked management to
2 respond to those.

3 And then the fourth document are the audit
4 committee questions, but now they've been updated
5 to have management responses on them.

6 And then the last document in the package is
7 a memorandum from AECOM to me on their roofing
8 improvement strategies.

9 And then looking back at the recording for
10 the September 14th meeting, Mr. Chair, the
11 committee was able to discuss three of the nine
12 observations.

13 Thank you.

14 MR. MAYERSOHN: Okay. So I think we got
15 through some of Item 4. Are there any additional
16 comments, concerns, questions on Item Number 4.

17 Dr. Walsh?

18 DR. LYNCH-WALSH: Actually, in light of the
19 responses that we were given, because you'll
20 remember that at the last meeting there were no
21 prewritten responses, I now have follow-up
22 questions and I will try to be ever so brief,
23 but -- on number 1, 2 and 3. There's just one
24 question because we now have a written response.

25 MR. MAYERSOHN: Okay.

1 DR. LYNCH-WALSH: All right. So on the first
2 one, response to 1a, the question was, given that
3 the contractual obligation above has existed
4 since 2015, why weren't the issues identified in
5 Observation 1, page 11, proactively addressed
6 prior to 2018 (see management response on page
7 12). So the response that was provided is the
8 very definition of the opposite of proactive,
9 because the response says, once designers began
10 submitting their initial documents to the
11 Building Department for review in late 2017 and
12 early 2018, staff observed that several comments
13 were being issued by the Building Department to
14 the designers in response to the reviews.

15 That is not exactly at all answering the
16 question why were they not being proactive. It
17 is, in fact, confirming that they were being
18 reactive. So I just wanted to make that comment.

19 On response 1b, the question was, although
20 roofing is the only area requiring sub permit, it
21 is not the only discipline requiring additional
22 drawings. Are there similar, obstacles, delays,
23 etc., due to HVAC and fire safety projects? They
24 answered that they're similar -- that there are
25 no issues, I guess, with fire alarm and fire

1 sprinkler, which I would tend to dispute, but not
2 here. So I guess there are no delays due to HVAC
3 is the remaining question?

4 MR. MAYERSOHN: Is somebody from staff
5 available to answer?

6 MR. JARDINE: Yes, sir, this is Danny
7 Jardine, CBRE/Heery, I'll be glad to try to
8 answer.

9 Dr. Walsh, we interpreted this as, are there
10 any other disciplines that would have to submit
11 additional drawings after the permit had been
12 issued? We thought that was just the fire alarm
13 and the sprinkler.

14 In a construction set of documents there are
15 multiple disciplines and trades that are part of
16 the design that is submitted. So you do have
17 mechanical, electrical, building department and
18 roofing as a component, but it is all in there
19 together.

20 Does that answer your question any better?

21 DR. LYNCH-WALSH: No. So you're saying -- so
22 because you're saying there are no additional
23 drawings for HVAC, if there are any similar
24 challenges, meaning delays related to HVAC, that
25 isn't being answered here.

1 MR. JARDINE: No.

2 DR. LYNCH-WALSH: So you're saying there's no
3 delays related to HVAC in this program?

4 MR. JARDINE: No, I'm not saying that.

5 If we're talking about getting LORs, when you
6 look at the disciplines that have to submit,
7 you've got site, you've got building, plumbing,
8 mechanical, electrical, fire safety, fire alarm,
9 fire protection and roofing, could possibly be
10 included in a project. And if you have
11 mechanical, yes, you have to do HVAC drawings.
12 If you have electrical you have to include the
13 drawings.

14 But across the board there are issues on some
15 projects and others there are not. You have to
16 look at each one of them individually.

17 DR. LYNCH-WALSH: So then the answer is,
18 there may be similar obstacles and challenges for
19 HVAC in addition to roofing?

20 MR. JARDINE: There could be; yes.

21 DR. LYNCH-WALSH: Okay. Because that's not
22 indicated here. You just mention --

23 MR. JARDINE: Again, I interpreted your
24 question was, what other disciplines have to do
25 additional shop drawing submittals and reviews

1 like we do on roofing? And that was for fire
2 sprinkler and fire protection.

3 DR. LYNCH-WALSH: Okay.

4 MR. JARDINE: So we all misinterpreted your
5 question.

6 DR. LYNCH-WALSH: Well, I guess someone could
7 have asked for clarification, but -- and I would
8 have happily provided it, but --

9 All right. Moving on, response 2b -- thank
10 you. Response 2b, says, in response to why no
11 one addressed the absence of a long-range roofing
12 plan, because they answered the first part about
13 the long-term roofing plan, but not about
14 overall, and it says, a conversation of a
15 long-term plan can be discussed when this audit
16 goes to the Board for approval. OCP can offer
17 input but needs approval and direction from the
18 Board and Superintendent prior to embarking on a
19 long-term plan.

20 So that would suggest the belief that the
21 Superintendent and the Board are in charge of
22 long-term facilities planning, but I want to
23 highlight why that's a problem. Because the
24 district, as some of you may know, removed the
25 chief facilities officer position from the org

1 chart after not filling it for a year once
2 Bobadilla vacated it. So the chief facilities
3 officer, number one under essential performance
4 responsibilities, evaluate and recommend
5 facilities' capital needs to accommodate present
6 and future enrollment based on an analysis of
7 statistics on pupil growth and population
8 mobility, which to me suggests that they would be
9 the ones spearheading any sort of long-term
10 planning.

11 On the other hand, the reason that this
12 response makes sense is that if you're the
13 executive director of capital programs you are to
14 assist in the creation of districtwide multiyear
15 capital construction and improvement plan. So by
16 removing the chief facilities officer, there's --
17 it removes the responsibility for creating
18 long-term planning out of the office of capital
19 programs. And, of course, the executive director
20 reports directly to the Superintendent. So to
21 solve this problem, why don't you have a chief
22 facilities officer, which would solve a multitude
23 of problems.

24 All right. And then, let's see, 2d there was
25 a response as far as the asset management

1 company, that the goal is at the end of this year
2 to have an RFP prepared, reviewed and approved to
3 advertise in calendar year Q1. Then it says, an
4 agenda item would first have to go to the Board
5 for the approval of the funding source prior to
6 the start of the RFP proces. So step two is
7 listed after step one.

8 So my question is, is there a target Board
9 date to get the funding approved? We have a
10 target date for the RFP to be done, we have a
11 target date for when they would be expected to be
12 awarded, but we don't have a target date for when
13 they would go to the Board requesting funding.
14 And if you don't have that approved then two and
15 three can't happen.

16 MR. GIRARDI: I'll answer that. Frank
17 Girardi, executive director. We're looking to
18 bring something to the Board sometime in the
19 November -- there's two board meetings in
20 November. So we're going to work to prepare
21 something to get approval funding for this asset
22 management company, at which point Procurement
23 will start working on the RFP. We're already
24 starting to kind of draft something, but
25 Procurement can't get officially started until we

1 have funding. But we're trying to get some
2 information together now so we have a running
3 start when we get there.

4 DR. LYNCH-WALSH: Mr. Mayersohn, when staff
5 is responding and whoever is responding, can we
6 have them on screen? It's a little disjointed
7 not being able to see the people that are
8 speaking.

9 MR. MAYERSOHN: Hi, Frank.

10 DR. LYNCH-WALSH: You should be able to face
11 people when you do things to them behind the
12 scenes. Don't even smile at me.

13 All right. So that's that one. And I
14 think -- actually, that -- let's see. There is
15 one thing under 3b. An additional concern here
16 is the impact on the PMOR not having the
17 management staff to take on the management of
18 roofing contractors. The management provided by
19 the CMAR's and GC's is needed. It would not only
20 have a cost impact but may also have a schedule
21 impact.

22 So this would be if we were doing carve-outs.
23 So then the PMOR staffing was not based on
24 doing -- I guess we'll leave that one alone
25 because it's unlikely that's going to happen.

1 So that gets me caught up, Mr. Mayersohn, to
2 number 4. Thank you.

3 MR. MAYERSOHN: Number 4. Okay. So, number
4 4, are there any -- Ms. Fertig, I think, has a
5 question.

6 Ms. Fertig, is your hand still raised?

7 MS. FERTIG: My hand's still raised.

8 Okay. What eight projects have been
9 completed?

10 MR. MAYERSOHN: Who's going to answer that?

11 MR. JABOUIN: Mr. Girardi, can you please
12 answer that for the committee or Mr. Jardine?

13 MR. JARDINE: If you can give me just a
14 minute, let me pull that information. I'll get
15 back to you.

16 MR. MAYERSOHN: Ms. Fertig, do you have any
17 more questions?

18 MS. FERTIG: Let me go -- hold on. I'm
19 sorry. I have these highlighted in different
20 documents.

21 MS. CARPENTER: Mr. Mayersohn, this is Ashley
22 Carpenter with Atkins. I can answer the question
23 about projects that are in closeout now.

24 MR. MAYERSOHN: Okay.

25 MS. CARPENTER: So this is as of -- well,

1 Danny might be able to give us the more updated
2 information, but this was in the report for the
3 quarter ending June 30th. There were 16 projects
4 in closeout and they were Plantation Elementary
5 School, Tamarac Elementary School, Phase II,
6 Coral Cove Elementary School, Discovery
7 Elementary, Pine Ridge Education Center, Coconut
8 Creek Elementary, Cypress Elementary, Charles
9 Flanagan High School, MLK Montessori, Miramar
10 Elementary, Cypress Run Education Center, Indian
11 Ridge Middle, Manatee Bay Elementary, McNicol
12 Middle, Palm Cove Elementary and Silver Shores
13 Elementary.

14 MR. MAYERSOHN: Mr. Jardine, are there any
15 more?

16 MR. JARDINE: I'm trying to go through my
17 list. No, sir, I think that pretty much covered
18 it.

19 MS. FERTIG: So there are a number that
20 have -- have been completed since this audit was
21 done? The audit says eight were completed and
22 you read off 16, so you have more completed at
23 this time?

24 MS. CARPENTER: That's right, Ms. Fertig, but
25 the audit was concerning, and audit staff can

1 correct me if I'm wrong, but the audit was
2 concerning projects with roofing, and some of the
3 projects that have been completed did not have
4 roofing, so --

5 MS. FERTIG: Okay. And I am questioning the
6 eight referenced in this report, which were eight
7 roofing projects. So that was the question.

8 MR. LUKER: Ms. Fertig, this is David Luker
9 with RSM. If I may, I'm happy to share the eight
10 that were completed as of our testing; if that's
11 helpful.

12 MS. FERTIG: Thank you.

13 MR. LUKER: Silver Shores Elementary, Palm
14 Cove, Coconut Creek, Cypress Elementary, Indian
15 Ridge Middle, Manatee Bay, McNicol Middle, as
16 well as Eagle Ridge.

17 MR. MAYERSOHN: Ms. Fertig, any further
18 questions?

19 MS. FERTIG: Yes, I'm sorry. I'm sorry to be
20 doing it this way, but I'm going between
21 documents here.

22 Go to somebody else and I'll come back in.

23 MR. MAYERSOHN: Okay. Because this is on
24 item 4 that we're talking about, otherwise --

25 MS. FERTIG: Yes, on item 4.

1 MR. MAYERSOHN: Okay.

2 MS. FERTIG: Thank you.

3 MR. MAYERSOHN: Lynch-Walsh?

4 DR. LYNCH-WALSH: Yes. Okay. So I had a
5 question. Given that this was a contractual --
6 well, let me read the contractual obligation.
7 Section 6.1.2 outlines the district's
8 objectives -- and this is from the RFP which is
9 part of the HEERY contract -- outlines the
10 district's objectives in retaining program
11 managers. One of the objectives included the
12 following. By implementing, maintaining and
13 upgrading management information systems
14 appropriate for the district's projects, the
15 owners' representatives will facilitate the
16 efficient and effective use of information
17 throughout the district capital projects.

18 So the question was, 4a, given that this was
19 a contractual obligation and that CBRE/Heery has
20 been the District's Program Manager for the past
21 five years, why wasn't the Building Department's
22 information system (ISS) reviewed initially and
23 upgraded to ensure the efficient and effective
24 use of information? And why weren't their manual
25 tasks and outputs reviewed and automated in '15,

1 '16 and '17.

2 So the response to 4a was that, the
3 district's chosen Project Manager system is
4 eBuilder. The Building Department declined to
5 use eBuilder as they have had their own system,
6 ISS.

7 Okay. And just to sum up these responses, if
8 I were asking for OCP and HEERY to demonstrate my
9 point that there has been a lack of program
10 management the past five years, I couldn't have
11 asked for better responses. Just wait until we
12 get to number 6. Because it shows a complete
13 lack of understanding in these responses as to
14 what program management actually is.

15 The Building Department is not an island unto
16 itself. The district does love data files,
17 however, the entire point of getting a program
18 manager is that they will leverage all of this
19 expertise across all disciplines and come up
20 with -- collaborate with and come up with
21 solutions that will put the district in its best
22 position to move forward.

23 So if the Building Department is sitting
24 there with a system that doesn't communicate with
25 other systems and nobody looks at it, it's not

1 appropriate to say they declined to use eBuilder
2 as they have their own system. If you're looking
3 holistically, which was the entire idea when the
4 RFP was put out -- it may have been vague, but
5 the intent was there. The intent was not to have
6 things happening independent of each other. So
7 that's more of a comment than an additional
8 question.

9 Question 4b, CBRE/Heery was tasked with
10 developing standard operating procedures. It
11 took us probably 18 months to hear from Heery
12 that they were completed. So I asked, are there
13 SOPs associated with ISS comments and clearance?
14 And they identified, SOP 3.60 addresses Building
15 Department Plan Review and Permitting.

16 And I guess my follow-up question is for
17 David Luker. I tried to find a reference to this
18 SOP, and it may be in here, I just didn't do a
19 word search, because I went, pulled it, and
20 printed it for further review, myself, later on,
21 and so was this part of the RSM analysis, this
22 SOP, David?

23 MR. LUKER: No, ma'am. We did not review
24 that SOP or the requirements thereto for any type
25 of compliance testing as a part of our work. We

1 are in possession of the standard operating
2 procedures and have looked at them in the past
3 for various projects and oftentimes referred to
4 them to help inform our understanding of the
5 process, but this was not an exercise of testing
6 for compliance with those standard operating
7 procedures, which I believe is your question.

8 DR. LYNCH-WALSH: Well, it goes beyond my
9 question, but thank you. So -- because I was
10 looking at it and I go, I have a feeling that
11 none of this was happening the past five years.
12 Just glancing at some of the requirements that
13 project managers are supposed to be doing in
14 terms of informing, and following up, and their
15 target dates, and how long they want to go before
16 things are followed up on. So I'm guessing this
17 SOP was not being followed with fidelity and that
18 needs to be looked into further.

19 So thank you for answering that question.

20 MR. MAYERSOHN: Ms. Walsh, I just want to
21 interject for one second and ask Mr. Luker a
22 question.

23 The -- the questions that Dr. Lynch-Walsh
24 has, and you said you didn't do any testing on
25 those, do you see those as high risk?

1 MR. LUKER: The standard operating procedures
2 themselves?

3 MR. MAYERSOHN: Yeah, and not -- I mean, what
4 she seems to be asking, the question is, they
5 weren't following those standard operating
6 procedures.

7 MR. LUKER: So, as mentioned, obviously, we
8 didn't conduct specific testing around the
9 alignment with those procedures. However, in
10 light of many of the results of our report and
11 the delays between the various key milestones in
12 the process for design review and sub permit
13 review and completion, I would agree that it is
14 likely a risk that these standard operating
15 procedures and any timing or follow-up
16 requirements therein may have not occurred.
17 Obviously, that would be a part of a separate
18 analysis that we, you know, would be happy to
19 perform, but auditing the past does help to
20 inform the future. But I would defer to the
21 committee as to whether or not that's an
22 additional step that we would go down. But,
23 obviously, I think the results of our work is
24 representative of a potential risk for adherence
25 to those timelines.

1 MR. MAYERSOHN: Thank you.

2 All right. Dr. Lynch-Walsh.

3 DR. LYNCH-WALSH: Well, I think the first
4 step would be for the committee to have the same
5 document I have. I was able to go into eBuilder
6 and snag it. I guess everybody forgot I can
7 still do that. So I went in and pulled it. The
8 entire document is close to 80 pages, but the
9 introductory material is about six. The rest of
10 the document appears to be mostly the Building
11 Department's manual which we have had.

12 But in terms of whether the committee would
13 like to see further work done, I think once they
14 read these -- these procedures --

15 Oh, is this Phyllis asking how we receive a
16 copy? I've downloaded it. I can forward it. Or
17 you can have the people that get paid -- wait.
18 Can I communicate with the audit committee?
19 That's a good question.

20 Multiple ways, Phyllis, to answer your
21 question. So that would be the first step is to
22 provide it, I would think, to the committee
23 members so they can review it themselves.

24 Let's see. And I'm okay with 4c as an
25 answer.

1 And then 4d, the question was, is Maximo
2 (provided the right modules are purchased) a
3 potential upgrade to ISS? Can eBuilder and
4 Maximo replace ISS, or do neither of them offer
5 an alternative?

6 So this is coming from the Building
7 Department, which I'm -- I didn't direct any of
8 my questions to the Building Department. So
9 where is the non-Building Department response?

10 Because here's the thing, and this goes back
11 to program management not happening here. The
12 Building Department is not this independent
13 entity that should be left to its own devices to
14 figure out what's the best IT system. I would
15 expect the chief information officer to be
16 involved as well as the program manager in making
17 sure that the best solution is -- is acquired.
18 Just like Maximo is not something that just
19 applies to PPO, but that seems to be the only
20 people that were involved in that.

21 So I appreciate the Building Department's
22 response as to where things are, and they
23 mentioned two different software firms, but they
24 should not be going this road alone. It is on
25 the program manager per contract and now AECOM, I

1 don't believe that was changed in their scope of
2 service, so now AECOM should be working with the
3 Building Department. We cannot have the Building
4 Department left out there like a redheaded
5 stepchild that everybody forgets about until
6 problems come about during permitting and
7 inspection. They're part of this collaborative
8 teamwork that is peppered throughout the scope of
9 services, all of these relationships. And we did
10 tighten up the relationship definitions where the
11 Building Department is concerned for AECOM.

12 So, that gets me through 4 and I don't think
13 I had any specific on 5, so if someone else is
14 ready.

15 MR. MAYERSOHN: Okay. Ms. Disch, did you
16 have something to say?

17 MS. DISCH: Only that I am a redhead, and if
18 you hear my voice, I'm not -- I actually am
19 thankful to our earlier point that we're moving
20 the October 8th meeting because I would not be
21 able to attend because I am sick. Not with
22 COVID, but I am sick. But I am a redhead and I
23 am not a stepchild, but we have --

24 DR. LYNCH-WALSH: It's an old saying.

25 MS. DISCH: I know.

1 MS. FERTIG: And I concur with you.

2 MS. DISCH: Thank you.

3 MR. MAYERSOHN: All right.

4 MR. LUKER: And I, David Luker, my beard is
5 offended.

6 DR. LYNCH-WALSH: We must discuss that beard,
7 David, at some point.

8 MR. LUKER: It has come up on every Webex
9 that I've been a part of for the last two months,
10 so I'm happy to talk about it with you.

11 DR. LYNCH-WALSH: That beard is just very
12 Paul Bunyan.

13 MR. LUKER: Yeah, I have young children who
14 are in the middle of a play date in the main area
15 of our home, so I retreat to my attic office
16 space. So I appreciate you guys putting up with
17 the lumberjack look. Thank you.

18 MR. MAYERSOHN: Ms. Fertig?

19 MS. FERTIG: Okay. I just wanted to
20 reiterate. I think I said this last time, but I
21 just want it in the minutes. I'm appalled that
22 people are not making site visits, and I think,
23 hopefully, that is something that will be
24 corrected in the future. And I don't know, Bob,
25 how we're taking those, whether at the end we're

1 going to incorporate some of this or not, but
2 I --

3 Sorry, guys, I have an assistant here. He's
4 really appalled too about the site visits. So
5 that's one thing I wanted to mention.

6 And, you know, in looking at the eight
7 schools that are -- we've had a lot of
8 conversation today and I'm sure we'll have more
9 at the end about long-range planning, but when I
10 look at the schools that are completed, none of
11 them are on the list I showed you last time that
12 were supposed to be on program for 2013.

13 So we can have all the plans we want, we have
14 to be able to do this in a more timely way and
15 address those schools that really are critical.
16 And I'm sure all these schools -- I'm glad
17 they're done. I'm sure they deserve to be done.
18 But there are many more that have not been that
19 are on that five-year plan six, seven years ago.

20 Okay. Bob, thank you. I'm finished
21 editorializing.

22 MR. MAYERSOHN: Okay. All right. Are there
23 any more questions on item number 4? Dr. Walsh;
24 no?

25 (No response.)

1 MR. MAYERSOHN: Anybody else?

2 (No response.)

3 MR. MAYERSOHN: Mr. De Meo, you seem so quiet
4 there in -- you're okay? Just nod your head. Or
5 no? Go ahead.

6 (No response.)

7 MR. MAYERSOHN: You're good?

8 MR. DE MEO: I'm good.

9 MR. MAYERSOHN: Okay. Moving on to item
10 number 5. I think we're good on item number 5.
11 Boy, that was an easy one.

12 Item number 6. Dr. Walsh?

13 MR. MAYERSOHN: You're muted, I think.
14 You're muted.

15 DR. LYNCH-WALSH: Okay. Sorry.

16 All right. So there was what I would
17 consider significant change, and certainly the
18 person that is sort of being referenced in
19 Observation Number 6 would consider this a
20 significant change between the two versions. So
21 the analysis we got in August had an observation
22 that the continued utilization of a single
23 individual yada-yada-yada increases the
24 likelihood of a bunch of things including
25 conflict of interest, bribery, favoritism,

1 ineffective vendor management, among others.
2 Those two words, bribery and favoritism have now
3 been removed. And when I read them from an audit
4 standpoint, it wasn't that off-putting to me in
5 the sense that, one, I'm not the one individual
6 in the Building Department, but, also, you could
7 see where bribery and favoritism could occur,
8 however, conflicts of interest cover both of
9 those terms.

10 I'm curious though why they -- since they
11 have been removed, what's the story behind them
12 getting in there in the first place and why were
13 they subsequently removed? I'm not sure who
14 answers that question.

15 MR. MAYERSOHN: Joris can answer that one.

16 MR. LUKER: So, Joris, I'm happy to take this
17 unless you want to provide some comments
18 initially.

19 MR. JABOUIN: Sure. Before Mr. Luker speaks,
20 the point on the finding still exists with the
21 change. We do think that the new wording is a
22 more accurate choice of words.

23 Mr. Luker?

24 MR. LUKER: Sure. So, you know, my -- my
25 staff, my team, myself, produced this document.

1 So those words were our words and are terms that
2 are frequently utilized in audit and forensic
3 audit or investigations to describe potential
4 risks. So, those were also words that were
5 frequently brought up in the interview processes
6 for this project. And so as this paragraph was
7 crafted we were, obviously, very careful to not
8 specifically identify or state that this had
9 occurred or that we assume or infer or have
10 learned that something like that may have
11 occurred. However, the purpose of the article
12 was to highlight that those are risks of a
13 process and a controlled environment that is not
14 segregated.

15 And so when it was brought to my attention
16 that these two words were perceived as perhaps
17 overly aggressive in their nature, I was very,
18 you know, quick to acknowledge that they are,
19 essentially, subcomponents of a conflict of
20 interest, and, therefore, I was comfortable to
21 remove them. But they are words that are
22 frequently utilized in my area of expertise and
23 so perhaps I did not take enough caution and care
24 in what we included in here, you know, to take
25 account for specific individuals in their, you

1 know, response to this.

2 So I apologize, but that is how the words got
3 there and that's how they were removed, and I
4 hope that helps to provide some clarity.

5 DR. LYNCH-WALSH: I appreciate you falling on
6 your sword.

7 MR. LUKER: I feel like I've been doing that
8 a lot lately.

9 DR. LYNCH-WALSH: Someone's got to do it.
10 Someone has to man up and fall on the sword.

11 MR. LUKER: Well, we apologize for those
12 words, but they are competitive conflict of
13 interests which we do believe is still a risk of
14 the process in the controlled environment as it
15 relates to this finding. So thank you.

16 DR. LYNCH-WALSH: Absolutely. Okay. So then
17 I have my actual question, unless Mary had a --
18 Mary's hand is up. I don't know if it's with a
19 question or for this particular thing.

20 MR. MAYERSOHN: No, she took it down. No,
21 she put it back up.

22 MS. FERTIG: I want to ask a question but
23 I'll wait for Nathalie to finish; if that's okay.

24 DR. LYNCH-WALSH: Okay. All right. So
25 question 6a, given all CBRE's contractual

1 obligations, this is still on 6, to manage the
2 district's capital program, why was there no plan
3 developed in '15, '16 or '17 to address human
4 capital resources needed in the Building
5 Department over the life of the program?

6 Response 6a, once again, reflects a complete
7 lack of understanding of being proactive and
8 program management. The response says, in 2015,
9 '16 and '17 most of the projects were in design
10 and did not impact the Building Department
11 significantly at that time.

12 My question was, why was there no plan. My
13 question wasn't where were the projects.

14 CBRE/Heery has made several recommendations
15 to BCPS to assist with the Building Department
16 staffing issues and are currently under
17 consideration. The Building Department has
18 refused the assistance, stating staffing was not
19 an issue. However, it is not the responsibility
20 of CBRE/Heery to plan staff resources that may or
21 may not be required by other departments during
22 the execution of the program. Staffing
23 suggestions were made, but it is clearly a
24 Building Department responsibility.

25 I could not have crafted a better paragraph

1 if I were plotting to have CBRE/Heery and OCP
2 demonstrate that they don't understand what
3 program management is. Because it is exactly the
4 responsibility of CBRE/Heery to plan staff
5 resources and then work with the other
6 departments to make sure the staffing is in
7 place. That is why they were paid in excess of
8 \$60 million over the life of -- over the time
9 they've been here, which is about five years.
10 Over 60 million. So they do not get to say that
11 it is not their responsibility.

12 But what's equally curious is how this
13 response made it to us. So who was -- I'm going
14 to guess that CBRE/Heery wrote this, but I'm
15 curious how this got typed up and sent to us as a
16 response without somebody reviewing it to realize
17 that this was not going to reflect well.

18 So my question is to Frank. Since presumably
19 he's reviewing and Heery reports to OCP, how did
20 this response, which is clearly throwing the
21 Building Department under the bus, almost
22 literally you can see them going under the bus
23 wheels, how did this response get written and why
24 did you not oversee this response to make it
25 sound as though the district is not fighting with

1 itself?

2 MR. GIRARDI: Well, the response came to me
3 for review and I was part of those meetings back
4 then when we were talking about the additional
5 staffing and we were told to stay out of it.

6 So --

7 DR. LYNCH-WALSH: But Heery is under
8 contract, scope of services, they are the ones
9 completely in charge of this program. So they
10 don't get -- if there's a problem with a
11 department, everyone's supposed to come together,
12 the cabinet and everyone's supposed to work
13 together. Otherwise, we could have saved \$60
14 million and just hired a bunch of project
15 managers and let everybody run wild. Because,
16 frankly, that is what the reports in terms of
17 where things stand, the substantial completion
18 reports, there's no rhyme or reason, what did we
19 get for 60 million?

20 If they don't have the power to work and
21 don't have the ability to hammer out conflicts
22 with other departments, what -- what was the
23 purpose of having a program manager?

24 That is exactly what they're here for is to
25 get everything working. They have the absolute

1 authority responsibility to make recommendations
2 and make sure they get implemented. Or else they
3 should have walked away instead of continuing to
4 renew their contract when they knew things were
5 not working. So that's 6a.

6 6b doesn't get any better. So 6b, given all
7 CBRE's contractual obligations to manage the
8 district's capital program, why did Heery not
9 review and make recommendations to streamline,
10 automate, and improve the efficiency of the
11 Building Department's roofing inspection process
12 to the same years?

13 Response, the Building Department is the sole
14 party responsible for determining any inspection
15 requirements and improvements to their processes
16 and procedures. CBRE/Heery has made
17 recommendations to streamline, automate, and
18 improve efficiencies with regards to roofing,
19 only to have the Building Department refuse the
20 assistance and the CBRE/Heery recommendations.

21 Okay. The Building Department is responsible
22 for building code compliance. Heery is
23 responsible for the underlying processes that
24 facilitate that compliance. So is there anything
25 in writing where Heery sent the then chief

1 facility officer or the current executive
2 director of capital programs and/or the
3 Superintendent and/or the Board a memo outlining
4 these difficulties with the Building Department?
5 Is there anything tangible in writing?

6 Because this isn't making sense, that the
7 sole party responsible for why these things
8 weren't done is the Building Department, because
9 that's not how this was all supposed to work.
10 That suggests that Heery isn't doing program
11 management and there was no oversight from the
12 district.

13 So that's the end of my questions and
14 comments on number 6.

15 MR. MAYERSOHN: Ms. Fertig?

16 MS. FERTIG: Thank you. I actually was going
17 to just ask Mr. Girardi, we've had this come up
18 in several audits, but I'm sitting here listening
19 and thinking, and I'm wondering, before the
20 facilities department was dismantled or
21 reorganized, whichever word you would choose in
22 the 2013-14 timeframe, did you feel that the
23 roofing was -- the roofing was handled more
24 expeditiously? I mean, did you feel that you --
25 did you lose some of those people, I guess is

1 what I'm asking, that might have done some of
2 this and has that impacted the delivery of these
3 roofs?

4 MR. GIRARDI: Back at the time that you
5 mentioned with the dismantling of facilities --
6 again, this is Frank Girardi, we had a single
7 manager that was handling all the roofing with
8 the inspector. It was a design/build type system
9 that was being done with the roofs because there
10 was no mechanical replacement, it was just
11 remove -- remove units, reroof, put the units
12 back. So roofers were able to do that.

13 Yes, it did go a lot smoother back then. I
14 think maybe with the size and with the complexity
15 now it may have gone sideways a little bit with
16 having the mechanical.

17 The ideal situation would be to just have
18 roofers come in and reroof everything. But,
19 unfortunately, we have a lot more scope that's
20 part of the projects that they cannot oversee,
21 manage or subcontract. So that's why we've been
22 limited on carving these projects out. And back
23 then when these roofs were done after Wilma and
24 back in 2010, those were sole roofing projects.
25 They were not part of a major renovation at the

1 school. That's what made those very simple and
2 so much easier and quicker to get done.

3 I hope that answers your question.

4 MS. FERTIG: Yeah, so that's good. And that
5 goes to another point of the audit. So, thank
6 you.

7 MR. MAYERSOHN: Okay. Are there any other
8 questions on item number 6?

9 (No response.)

10 MR. MAYERSOHN: Seeing none, we'll move on to
11 number 7.

12 Ms. Pou, did you have questions? Because you
13 had some questions -- I just wanted to make sure
14 they were answered accordingly.

15 MS. POU: I'm fine. I'm fine. Thank you.

16 MR. MAYERSOHN: Okay. All right.

17 Item number 7?

18 (No response.)

19 Nothing? No?

20 (No response.)

21 DR. LYNCH-WALSH: I did 6 and 7 together. I
22 recognized common themes in here and I grouped
23 them accordingly.

24 MR. MAYERSOHN: Okay. Anybody have any
25 questions on item number 7?

1 (No response.)

2 MR. MAYERSOHN: Seeing none, we're moving on
3 to item number 8.

4 Keep in mind it's 3:00, so we have
5 approximately an hour to get through the next
6 two.

7 DR. LYNCH-WALSH: I think we can do it,
8 maybe.

9 MR. MAYERSOHN: Okay. Item number 8, any
10 follow-up questions; concerns; comments?

11 Dr. Lynch-Walsh?

12 DR. LYNCH-WALSH: Okay. So the question,
13 given that the OCP, Office of Capital Programs,
14 was the catalyst for this roofing analysis, is
15 the Office of Capital Programs planning to seek a
16 declaratory statement from the Florida Building
17 Commission regarding the use of multiple NOAs?

18 And the response is that they are not
19 planning on requesting a DEC from the Florida
20 Building Commission regarding the use of multiple
21 NOAs.

22 So my follow-up question has to do with, so
23 why the Terracon report? And that's directed at
24 Frank.

25 MR. GIRARDI: That would have to be directed

1 to Danny Jardine because CBRE/Heery did that on
2 their own.

3 DR. LYNCH-WALSH: But it was included with
4 workshop backup at one of the workshops. So you
5 must have been okay with it because you would
6 have determined what went to the Board members.

7 So what was the point of all of this? If no
8 one's going to seek a declaratory statement to
9 challenge the Building Department what was the
10 point of the Terracon report?

11 I guess, yes, I'll take an answer from Danny
12 then.

13 MR. JARDINE: Danny Jardine, CBRE/Heery. We
14 engaged Terracon to do a review of the district
15 specifications and to do a review of what
16 Miami-Dade was doing. We did not -- they were
17 not supposed to get into looking at NOAs and
18 tearing NOAs apart. We have been working with
19 other manufacturers trying get NOAs approved
20 through Miami-Dade Product Approval so that we
21 could use them in the future. The Terracon
22 report was not intended to dissect the NOA issue.

23 DR. LYNCH-WALSH: But it did.

24 MR. JARDINE: It just made the simple point
25 that we have -- the district has a design

1 standard that has one NOA that we comply with.

2 DR. LYNCH-WALSH: And they suggested
3 different roofing assemblies that would have
4 required multiple NOAs, so -- but that's not
5 going to be pursued, I take it.

6 MR. MAYERSOHN: Dr. Lynch-Walsh, if I can
7 interject for one second. Is Mr. Cooney on?

8 MR. COONEY: Yes, I'm here.

9 MR. MAYERSOHN: Can you talk to -- and I know
10 it's declaratory statements of what the, I guess,
11 Florida Building Commission has regarding local
12 amendments, what authority do they have to
13 interpret them? Would you know any of that?
14 Would you be able to opine?

15 MR. COONEY: Yeah, I think we may be mixing
16 some issues here.

17 MR. MAYERSOHN: Okay.

18 MR. COONEY: Yeah, the Florida Building Code
19 and SREF prohibits local amendments as they apply
20 to school districts. So that's one issue in and
21 of itself. And what we're talking about here is
22 an interpretation by the local authority having
23 jurisdiction. In this case we have our own
24 Building Department and how they're interpreting
25 and applying the code. They have the authority

1 to do that legally. If there's a challenge to
2 the way that's being interpreted, then that would
3 go up to the Florida Building Commission and DOE
4 to make a determination of whether that's a, you
5 know, completely erroneous and unreasonable
6 interpretation. But they do grant great
7 authority and leeway to the local building
8 officials to make that determination.

9 And I don't know if that's an answer to your
10 question, but that's the way the process works.

11 MR. MAYERSOHN: Right. Well, I'm looking
12 here, and, again, this is just a case in the City
13 of Boca Raton, it might be slightly different,
14 but the conclusion was that, the courts have
15 stated that a Petition for Declaratory Statement
16 which seeks approval or disapproval of conduct
17 which has already occurred is properly denied.
18 And then referring to what you were talking
19 about, being local amendments are not part of the
20 Florida Building Code, and, you know, basically
21 it's a local amendment and the commission has no
22 authority to interpret that.

23 So even if a declaratory statement was asked,
24 they would say we don't have the authority to
25 interpret that. Is that correct, my --

1 MR. COONEY: That would make -- that would
2 make sense; yes.

3 MR. MAYERSOHN: Okay. So Dr. Lynch-Walsh,
4 according to the question you're asking, is that
5 even if a declaratory statement was sent, just
6 for purposes, and I think Mr. Cooney can confirm,
7 is that the commission would say that they have
8 no authority to interpret them because it's a
9 local building amendment, and they don't have the
10 right to -- they don't have the authority to
11 opine?

12 DR. LYNCH-WALSH: Yes. I don't think I was
13 the one that was confused about that. It may
14 have been the people that sort of sent us down
15 this path and the School Board. Because the
16 School Board listens to staff and this was one of
17 the two biggest things that came out of -- when
18 it went to the workshop prior to coming to our
19 meeting, the two biggest takeaways were sort of
20 getting at these multiple NOAs and also the wind
21 rider.

22 Oh, hold on.

23 Okay. So my next question in reference to
24 the response, I just want clarification.

25 Sorry. I don't have pocket dogs.

1 If multiple NOAs were allowed, this would
2 create more confusion since each NOA used would
3 have to be a standalone NOA for each part of the
4 roofing assembly and not parts extracted out of
5 other complex NOAs.

6 Frank, can you explain that statement?

7 MR. GIRARDI: Well, Ron Morgan's on. He
8 would explain it better.

9 DR. LYNCH-WALSH: No, I'm not looking for it
10 from Ron. I'm not looking -- I'm looking for why
11 this is in the response that's coming from you
12 guys.

13 MR. GIRARDI: Because the multiple NOAs --
14 and, again, this is from the Building Department,
15 I know you don't want them involved in this, but
16 this is from the Building Department, that the
17 problems we've been having with getting permits
18 approved for roofing is roofers were going into
19 NOAs that have multiple parts and removing the
20 part they need. What needed to occur would be an
21 NOA strictly for the board and the temp roof,
22 then you need a separate NOA for the roofing
23 system itself. This is what was getting
24 confusing in the permitting, was that they were
25 going in and butchering up NOAs that did not have

1 anything to do with what we were doing and just
2 pulling the bits and pieces out. You don't want
3 to hear it from Ron Morgan, but he would say the
4 same thing, because that's the conversations I've
5 had with him on why multiple NOAs do not work.

6 DR. LYNCH-WALSH: No, I don't have any issue.
7 This is part of a response from you guys and if
8 it's in there you should be able to explain it.
9 I'm not looking for a technical explanation, I'm
10 literally looking for an explanation, because
11 that's not -- if roofers were butchering NOAs,
12 that's a whole other conversation. So because --

13 The reason I bring that up is that in
14 response 8c, in response to the question, setting
15 aside the question of whether multiple NOAs are
16 even permissible under Florida Building Code, is
17 there any evidence that using multiple NOAs on
18 reroofing projects will save time and money?

19 The response says, since the use of multiple
20 NOAs is not allowed in Broward, CBRE/Heery cannot
21 confirm if there would be a potential in cost
22 savings or time. It seems the only savings if
23 multiple NOAs could be used would be -- would
24 possibly be in the time and amount of Revise &
25 Resubmits during the review process for roofing

1 sub-permits.

2 So can someone explain that sentence? It
3 seems the only savings if multiple NOAs could be
4 used would possibly be in the time and amount of
5 Revise & Resubmits during the review process for
6 roofing sub-permits.

7 MR. GIRARDI: It would be the same response I
8 just gave you. This is Frank Girardi. It is in
9 the permitting process, which I just explained,
10 that they were using pieces of NOAs instead of
11 single NOAs for a product. So that's where the
12 time savings would be. If they just went with a
13 straight NOA --

14 DR. LYNCH-WALSH: Okay. So then what you're
15 saying is, what this should say is that having
16 one NOA represents a savings in time and the
17 amount of Revise & Resubmits?

18 Because the way this is reading, it's
19 unclear, it makes it sound as though it's
20 contradicting what was written up above. And,
21 remember, I'm not the only person that has this
22 report. So where I'm going to question -- there
23 are other people relying on the accuracy of this
24 information.

25 It says here, it seems the only savings if

1 multiple NOAs could be used would possibility be
2 in the time and the amount of Revise & Resubmits
3 during the review process for roofing
4 sub-permits.

5 Would it be better to just strike that part
6 of it because it doesn't really make sense if
7 you're trying to say that one NOA results in
8 fewer Revise & Resubmits?

9 I'm not understanding the actual words that
10 are in this paragraph.

11 MR. JARDINE: It's not saying that -- do you
12 want to take it, Danny?

13 MR. GIRARDI: Yeah, let me -- let me throw
14 something in. This is Danny Jardine, CBRE/Heery,
15 again.

16 The NOA, having a single NOA is not the issue
17 with roofers getting roof sub-permits. It is the
18 quality of the information that has to go into
19 the roof sub-permit binder that has been the
20 issue. They are lacking details and important
21 information that has to be part of the roof
22 sub-permit that gets submitted and reviewed. The
23 single NOA, I don't believe, is the issue that
24 we're facing.

25 DR. LYNCH-WALSH: I'm not saying it is. I'm

1 just saying that this second sentence under
2 response 8c should probably be struck because
3 it's confusing and I can't understand what it
4 actually means. The first sentence and the third
5 sentence make complete sense.

6 MR. JARDINE: I say we take it out. Thank
7 you.

8 DR. LYNCH-WALSH: There you go. Let's see.
9 So moving through these.

10 Okay. So 8b, so no roofers are looking for a
11 DEC, it's as if this was never an issue.

12 8d response, we're looking at potentially a
13 savings of 1 to 5 percent once Johns Manville
14 comes on board.

15 Now, this would be a question for the
16 Building Department. How close are they, Johns
17 Manville, to getting its NOA?

18 Is Ron still here? Ron? Or Bob Hamberger?

19 MR. MORGAN: This is Ron Morgan. Last I
20 heard, the engineering, because they do a test,
21 they did a test in one area, then they have to
22 interpolate and do an engineering count to have
23 the edges and field and corners. That
24 engineering is done and it's in the process of
25 getting an NOA through Miami-Dade. So the

1 testing is being reviewed for acceptance. I'm
2 not sure where that is now with the COVID and the
3 way the departments are working. I'm not sure.

4 Danny, do you know anything?

5 MR. JARDINE: Ron, based on my last
6 conversation I had with them, they have not been
7 able to get any kind of timeframe out of the
8 Miami-Dade people because there's other projects
9 ahead of them that have to be reviewed and then
10 the whole COVID thing has slowed them up as well.
11 They said it could be a couple months to a year.

12 MR. AMOAH: This is Divine Amoah. Yeah, I
13 need to -- I spoke to Travis last week and I
14 asked him about the NOA and they said they have
15 made a lot of progress. He did not give me a
16 time specific, but he said that they're moving
17 along very well. So, hopefully, because I was
18 asking about our specifications and I was telling
19 him that we are waiting on them to make the
20 specifications revision pushup. So as soon as
21 they give it to us we are going to release the
22 specifications. So he said, okay, they're
23 working on it. So this is what I heard. I spoke
24 to him last week.

25 DR. LYNCH-WALSH: Okay. Thank you.

1 So that's all I have for 8d.

2 8e speaks to the wind riders. And, again,
3 this was another huge talking point at the
4 workshop. So basically the total wind rider cost
5 was 400,000 based on 200 roofs slated for
6 replacement, which, given the district, does not
7 seem to be cost prohibitive. So it would seem as
8 though this was an issue that's also been put to
9 bed after much back and forth.

10 I do have issues with 8f. So 8f pertains to
11 the Roofing Symposium. The question, if this
12 information was shared with the industry back in
13 2015, why are the same topics being discussed in
14 2020 as though these are new concepts? Did
15 Heery, along with Bobadilla, fail to pick up
16 where Derek Messier left off on this initiative?

17 It's a yes or no question with some
18 qualifiers. I'm -- I'm -- I'm getting neither.
19 So I'm going to infer that, yes, Heery, along
20 with Bobadilla, failed to pick up where Derek
21 Messier left off. And I'm basing that conclusion
22 on this response.

23 The event took place before CBRE/Heery was
24 hired. To be accurate, yes, it did. And it also
25 took place before Leo Bobadilla was hired.

1 However, this response would suggest that there
2 was no communication between the district,
3 Bobadilla, and Heery regarding the symposium or
4 any of the topics discussed, which, to remind
5 everybody, and you are -- the audit committee is
6 in receipt of this document as well, the Roofing
7 Symposium covered roofing specifications update,
8 new warranty format, M/WBE certification and
9 pre-qualification. I was just at a QSEC meeting
10 this morning where there is a timeline as far as
11 pre-qualifying roofing subs, that's a topic of
12 conversation that they're hoping to sort of put
13 to bed in the next 45 days, 45, 60 days, in 2020,
14 which is five solid -- more than five years after
15 this Roofing Symposium.

16 So my question, I guess to HEERY is, is the
17 answer that there was no communication between
18 the district and Heery regarding the symposium
19 and any of the related topics? I want to say
20 that asset management was also included as a
21 talking point in here.

22 So this Roofing Symposium happened and nobody
23 was told about it, not Heery, not Bobadilla; is
24 that what we're saying.

25 MR. JARDINE: I can't confirm or deny that.

1 That was -- I don't know, Dr. Walsh. I was not
2 present and we did not know about this symposium.
3 I found out about it a couple of months ago.

4 Over the course of the program we have had
5 numerous conversations with the contracting
6 community. This is not just roofing. This is --
7 this is a construction deferred maintenance
8 program. And those roofers, if I'm not mistaken,
9 that showed up at the symposium were the district
10 CSMP roofers. It was not -- you know, we're
11 dealing with 15 -- we have what 15, I think,
12 roofers who were under contract to the district
13 doing roofs right now. So I can't tell you what
14 mechanism was put into place to try to get others
15 involved at the symposium.

16 DR. LYNCH-WALSH: And the rest of this
17 response, which kind of looks like it was written
18 by somebody else, subsequent to Derek Messier's
19 departure, and following the 2015 Roofing
20 Symposium, the Standards Committee continued to
21 pursue the development and refinement of the
22 District's Roofing Specification.

23 It does say in here, while it's difficult to
24 recount the actions of past members of this
25 organization, or the Heery team, the collective

1 recollection is that the Office of Facilities and
2 Construction, I believe Bobadilla was heading
3 that department up, continued to pursue a
4 standard that met the Florida Building Code, and
5 was based on Miami-Dade Public School's
6 specifications. They were the same
7 specifications that were discussed at the April
8 2015 symposium.

9 While continuing to finalize the roofing
10 specifications, there was a request made to Heery
11 -- now this gets us to 2017. What I'm looking
12 for, and, Danny, I know you were not the program
13 director at the time, but you're still a part of
14 Heery, which is the same company, and there were
15 all sorts of -- at this Roofing Symposium, yes,
16 it might have been CSMP, but the bigger picture
17 here is that the district hosted a symposium, and
18 if you're not aware of any further communication,
19 how is it that the District Standards Committee
20 and the Office of Facilities and Construction
21 were pursuing a standard and yet all of this
22 information, meaning the actual standard itself,
23 seemed to have fallen through the cracks while
24 you were engaged as program manager?

25 This, again, gets back to the lack of program

1 management at its core and people not adhering to
2 the scope of services that are in the RFP for the
3 program manager, for the RFP from 2015. It's
4 plain and simple that these things were not --
5 were not occurring.

6 My last or next to last comment. Okay.
7 Let's see. The rest of response says that, as
8 design consultants continued developing their
9 drawings using the revised specifications, the
10 most common questions for them focused on seeking
11 an understanding of the scope of roofing within
12 the Program, specifically, with respect to
13 understanding that the roof replacement project
14 scopes were not simply roof recovery but rather,
15 roof replacements that were deemed necessary due
16 to code requirements.

17 So my question is, what these conditions,
18 meaning the need to do complete roof replacements
19 as opposed to roof recovery, that would have been
20 the same when Heery got here and in 2014?

21 MR. JARDINE: We got here -- Heery was hired
22 in '15, August of '15. We started issuing ATPs
23 in August of '16. When the work started with the
24 designers they were using the district's
25 specifications and they were hired with a

1 reroofing category. I mean, that was what was in
2 the RFQ. The definition of reroofing has
3 evolved. The Building Department has said that
4 if we have to go -- we can't recover a roof
5 unless it's -- you can only recover a roof one
6 time. And if you can't recover it, then you have
7 to go down to the deck and build a new roof.

8 Now, that's what we all -- everybody, when we
9 did the December 18th roofing -- I'm sorry, the
10 December 2018 roofing workshop, that's where all
11 that was clarified. Because by that point each
12 architect interpreted their designs differently.
13 And the Building Department says, no, if you have
14 to remove the existing roofing and remove the
15 existing Polyiso you have to go back down to the
16 deck and they consider it a new roof at that
17 point in time. And the district -- you know, the
18 district prefers lightweight concrete and they
19 don't want to use the Polyiso. We had numerous
20 architects who did use the Polyiso because it was
21 part of the specification, but it didn't
22 specifically say, we don't want Polyiso, we want
23 lightweight concrete. Over the last year and a
24 half in all these conversations we've had with
25 roofers, that's all been clarified. And when you

1 look at how long it takes to get a roof LOR
2 through the Building Department, those times have
3 improved dramatically. Right now there's 33
4 projects in the Building Department for review.
5 Of those 33, 26 already have roofing approved.
6 And there's five that are Revise & Resubmits and
7 there's only two that are pending.

8 So a lot of progress has been made with the
9 designers on getting designs done right the first
10 time.

11 DR. LYNCH-WALSH: Okay. So let me go take us
12 back to 2014.

13 MR. JARDINE: Uh-huh.

14 DR. LYNCH-WALSH: Because I have a sneaking
15 suspicion that all of these issues existed in
16 2014 when we went out for the bond and 2015 when
17 they started shoving stuff out into the design
18 industry like they were having a fire sale on
19 design work. Because if we go back in time,
20 everything was behind. So when you shove
21 everything through Procurement to get it into
22 design you're able to tell the Bond Oversight
23 Committee, X percent, it's all in design.
24 However, we've now skipped a step, partly because
25 there was no plan in 2014, and all these things

1 could have been hashed out in 2014 and then put
2 the bond on the 2016 ballot instead of the 2014.

3 Failing that, everything then got shoved into
4 design, which also explains why you have firms
5 that shouldn't be designing getting design work,
6 because by the time you get to the bottom of the
7 barrel, that's what you're left with. However,
8 when it's all out there, these conditions all
9 existed.

10 So, in hindsight, and I was here and Heery
11 was here and Heery was here working on getting
12 all these things through Procurement, but it
13 doesn't seem as though -- is it possible that
14 back in 2015, instead of focusing on roofing
15 design issues, because the scopes were not
16 well-defined, but is it possible that Heery
17 prioritized making the district happy by getting
18 things into Procurement for design at the expense
19 of having the conversations that you've been
20 having for the past two years regarding roofing?
21 Is it possible?

22 MR. JARDINE: Anything's possible. But when
23 you look at the Jacobs assessment and they show
24 \$6.00 a square foot for roofing, it leads one who
25 knows anything about construction that that's got

1 to be the minimal amount of work, which is a roof
2 recovery. Had the budgets been more realistic
3 that would have given us a better indication of
4 what I think the roofing scope should have been.

5 DR. LYNCH-WALSH: And you just made my point
6 even further.

7 If Heery came in and looked at those numbers,
8 and understand that there are still projects
9 sitting in the DEFP using those numbers, because
10 we're playing a cat and mouse game with funding
11 and with reserves, where only when a project
12 comes to the Board for approval are they
13 adjusting those project budgets upward, even
14 though Atkins has a monthly running construction
15 total projected budget that the chief financial
16 officer ought to be using so that the Board is
17 truly aware of how much more it's gonna take to
18 do the remaining projects, that's a separate
19 conversation, but Heery came in, should have
20 known, and I believe did know better, just like
21 Atkins knew better, but for some reason, instead
22 of pumping the brakes and addressing the scope
23 and making sure it was up to code and that any
24 disagreements or confusion that could hamper
25 designers -- because we're all paying now for the

1 lack of planning in the beginning. All of the
2 design issues that RSM has catalogued in various
3 reviews are because of the confusion from people
4 rushing to put things into design without making
5 sure they knew what the design was as it pertains
6 to roofing and others.

7 The scopes, if you pick up any procurement
8 document, the scopes are almost nonexistent.
9 Because you couldn't fully develop anything while
10 shoving it out. And on every -- every one that
11 I've seen, Heery covers itself by saying, the
12 building condition assessment, it's -- a needs
13 assessment is not a budget. They knew that the
14 numbers were not sufficient to cover the roofing
15 costs. And there's a disclaimer every time. But
16 for some reason it didn't bubble it's way up to
17 the very top of the organization and cause the
18 pumping of the brakes. Because it looks good on
19 paper to say we have, 95 percent is in design,
20 but now at the back end we're dealing with all of
21 the lack of planning.

22 MR. JARDINE: I believe we were told to
23 follow the scope.

24 DR. LYNCH-WALSH: Oh, I believe you were.

25 MR. JARDINE: Okay? And that's what we did,

1 knowing that it -- we went over this ad nauseam
2 back in December of 2018 after we had started
3 opening the roofing bids and we saw what the real
4 ramifications of the roofing costs -- what the
5 real cost of the roofing was going to be.

6 DR. LYNCH-WALSH: Right. But I would argue
7 that you guys always knew what the real cost of
8 the roofing was, you just weren't allowed to say
9 so. And, certainly, the district didn't seem to
10 have any desire to correct the problem. And now
11 we're all dealing with the problem at the back
12 end. Because none of these things have changed.

13 Regarding the preference for lightweight
14 concrete over Polyiso, is there a cost difference
15 or why is it -- because it does seem as though
16 Heery wants Polyiso and the district prefers
17 lightweight. So why is there a debate?

18 MR. JARDINE: Depending on the size of the
19 project; if you're doing a big project,
20 lightweight is cheaper. If you're doing a very
21 small project lightweight's a little more
22 expensive than the Polyiso.

23 The reason the district wants to use the
24 lightweight is, 20 years from now when we have to
25 reroof these buildings, the existing lightweight

1 will remain in place and we can do a roof
2 recovery on top of that. If it's Polyiso, when
3 you do the demo of the membranes you're going to
4 damage the Polyiso and you're either going to
5 have to do a recovery board or replace it
6 completely. So for the long haul it makes a lot
7 more sense to do the lightweight. You get a
8 better finish. When you do the Polyiso you get
9 the joints and you get some unevenness in the
10 Polyiso, but with lightweight you can -- it's
11 like placing concrete, you can finish it smooth.

12 And, Ron, if you want to add in, jump in.

13 MR. MORGAN: Ron Morgan. What you said was
14 straight on. Polyiso is more expensive in the
15 long run because every time you roof you have to
16 replace it. Where the lightweight, hopefully, if
17 you catch it in time, it doesn't get damaged.

18 DR. LYNCH-WALSH: Okay. So that makes
19 complete sense.

20 All right. Thank you both.

21 So I think I'm done with Observation Number
22 8.

23 MR. MAYERSOHN: Okay.

24 DR. LYNCH-WALSH: I'm ready for nine.

25 MR. MAYERSOHN: Sure. Any others on

1 Observation Number 8?

2 Keep in mind we've got 30 minutes left and I
3 know we want to have some time for at least
4 discussion on what our recommendations might be.
5 Seeing none, item number 9. Dr. Walsh.

6 DR. LYNCH-WALSH: Okay. Sorry, you scared
7 me. I thought you were skipping number 9.

8 MR. MAYERSOHN: No. We've come this far, we
9 might as well, you know --

10 DR. LYNCH-WALSH: Finish? I'm driven to
11 finish whatever I start.

12 Okay. Observation Number 9, so I asked the
13 question, has the district factored in the new 5
14 percent retainage limit into its payment process?

15 The response was, yes, for all projects
16 advertised after 10/1/20, okay, the new limit of
17 5 percent retainage will be held. For projects
18 that have been advertised, awarded or are in
19 construction prior to 10/1/20, retainage of 10
20 percent will be held until the project reaches 50
21 percent completion, at the request of the
22 contractor, the retainage will be reduced to 5
23 percent.

24 So I'm looking for clarification because I
25 haven't read the law since I first read it. Is

1 this consistent with the intent of the law, and
2 am I understanding this to mean that for the ones
3 prior you'll hold the 10 percent, but at 50
4 percent -- pardon? Oh, I'm hearing myself.

5 Okay. Is it that they were supposed to give
6 it back at 50 percent anyway?

7 Who wrote this response?

8 MR. GIRARDI: I'll handle that. That was
9 with help from Ashley Carpenter.

10 Frank Girardi.

11 The way the law prior to this change was we
12 would hold 10 percent. At 50 percent completion
13 of the project the retainage would be cut down to
14 5 percent, no Board action, it was just an
15 automatic 5 percent.

16 Moving forward, as of tomorrow, any new
17 projects that are going out will stay with the 5
18 percent. The other projects will remain as is
19 with the reduction of 5 when they reach the 50
20 percent point.

21 DR. LYNCH-WALSH: My question was, is this
22 consistent with the intent of the law?

23 MR. GIRARDI: I have not gone into detail
24 with that.

25 DR. LYNCH-WALSH: Yeah, and I --

1 MR. MAYERSOHN: Mr. Cooney?

2 MR. COONEY: Yeah, if I may, Mr. Chair, thank
3 you. I'm on the phone, too, so bear with me.

4 Yeah, that is absolutely an accurate
5 statement as far as being consistent with the
6 law. The new law goes into effect on the 1st,
7 and if you've at least advertised a project, you
8 don't have to be under contract, if you've
9 advertised it, then you're exempt from the new 5
10 percent retainage.

11 Anything that's currently under contract,
12 certainly, we can maintain the current law, which
13 is, you hold 10 percent until 50 percent
14 completion and then you stop holding retainage at
15 that point. The contractor can certainly request
16 a release of any retainage that exceeds that 5
17 percent at that point, but we have no obligation
18 to affirmatively give it to them. So what Frank
19 stated is accurate.

20 DR. LYNCH-WALSH: Okay. So it's not
21 retroactive and they're grandfathered in. Okay.

22 MR. COONEY: Correct.

23 DR. LYNCH-WALSH: That's all I was looking
24 for. Perfect.

25 Okay. So the response to my question about

1 whether there are plans to implement a roofing
2 department -- let's see. It says -- actually, I
3 need to go back to the first response because I
4 was thinking that was in here, but this is in
5 response to my question, so I have another
6 question on number 9 that pertains to the initial
7 response.

8 Is there -- what is this PPO roofing
9 department? It says in the response, the
10 existing PPO roofing department is equipped and
11 staffed to perform emergency repairs to stop roof
12 leaks as they occur. I'm unaware of a PPO
13 roofing department. Is there such a thing?

14 MR. GIRARDI: I don't know if anyone from PPO
15 is on here, but I did have conversations with
16 them. It's not a full-blown roofing department
17 but we have roofers that work through the
18 district, so you can call them a roofing
19 department, you can call it --

20 DR. LYNCH-WALSH: Okay. So the problem is
21 the response makes it sound as though there is an
22 actual PPO roofing department. And if you didn't
23 know, like I do, that there isn't any such thing,
24 you would think that there was.

25 And so my next follow-up question, the cost

1 to develop and maintain a self-sufficient roofing
2 department would be greater than having an asset
3 management company. So has there been a cost
4 analysis conducted?

5 MR. GIRARDI: There has not been a full-blown
6 cost analysis. It was just a conversation, you
7 know, what staff requires compared to what an
8 asset company would need. Because now to develop
9 this company and hire -- it was explained before,
10 part of the responsibility of the asset
11 management company is to work with the district
12 that we wanted to start a roofing department. So
13 instead of just the labor needed you would need
14 the trucks, you would need the material, you
15 would need much more than just having the asset
16 management company.

17 DR. LYNCH-WALSH: Right. But in order to
18 convince people who might want to have a self --
19 a roofing department, it would seem prudent to do
20 a cost analysis, a cost benefit analysis. So are
21 there plans to do one?

22 MR. GIRARDI: We will be looking at that more
23 when we do bring it forward to the Board because
24 when the Board is gonna vote on whether to have
25 an asset management company they're going to know

1 what the cost would be if it was in-house.

2 DR. LYNCH-WALSH: Okay. And we're in
3 September, so you would need to take it to the
4 Board in order to put the RFP out in the next
5 three months. So within the next three months
6 you'll be doing a cost benefit analysis of
7 in-house versus asset management company.

8 MR. GIRARDI: As I stated earlier, we're
9 looking to bring it to the Board for funding in
10 November.

11 DR. LYNCH-WALSH: So you're in an even
12 tighter schedule. We already -- we're in
13 October. So in October you'll be doing an
14 in-house versus asset management company cost
15 benefit analysis? I'm asking now because I'm
16 going to be asking it again tomorrow at the task
17 force meeting. So it's a hint to get one cranked
18 up because it will come up multiple times.

19 MR. GIRARDI: I'm sure the Board would bring
20 it up.

21 DR. LYNCH-WALSH: Yes, I'm sure they will,
22 now.

23 Okay. So on number 9, the initial response,
24 management's action plan, on page 44 for Phyllis,
25 it says, this was regarding the pay application

1 delayed payment and processing. This gets back,
2 again, to managing a program.

3 This response says, concerns regarding timely
4 payments were brought to our attention during
5 recent conversations held with the SMART
6 program's contractor community regarding delays
7 in the invoicing process. The OCP, CBRE/Heery,
8 Atkins and Capital Budget staff met regularly to
9 review -- to identify, review and prioritize the
10 delayed invoices as well as identifying some key
11 factors and improving the process such as.

12 The problem with this statement is that the
13 district should proactively know when the vendors
14 are not being paid. This suggests to me that
15 there's missing -- there's reporting either not
16 being generated or being generated and not
17 reviewed. Because why are roofers sounding the
18 alarm that they're not getting payments? Why
19 is -- why is it that Atkins, Heery or OCP -- and
20 Atkins and Heery report to OCP, so the question
21 is for Frank, why -- what does he review on a --
22 what do you review on a regular basis regarding
23 payouts? What sort of reports are you reviewing
24 to know that they are falling behind or they're
25 on schedule.

1 MR. GIRARDI: I receive reports from Capital.
2 It's a weekly payment report where it shows how
3 long they've been in the queue. I also receive
4 10-day reports from e-Builder a couple of times a
5 week that shows how long they've been in the
6 queue.

7 The problem with that is, if a contractor
8 comes forward, submits his requisition, there's
9 an issue with the requisition, it is then
10 rejected and goes back to the contractor. At
11 that point the tracking, until the recent report
12 out of eBuilder, would stop. When they resubmit
13 it again, tracking would start again.

14 So, yes, we're paying things within 30 days,
15 but there are some instances where, due to
16 rejections back and forth with the contractor
17 because they can't get the requisition correct,
18 it could be 100 days but it doesn't show up.

19 The new report I have does show that. That
20 gives me the initial first requisition submittal
21 and then anything that is rejected and re-revised
22 and rejected, whatever it is, it shows me the
23 current end from the original start. So it may
24 show 10 days, but for the total timeframe it
25 could show 60 days or 90 days.

1 I do get that report now and we stay on top
2 of that. I think we don't have a lot of issues
3 with lack of payments. And if there are it's
4 from the GC and I think we've gotten that ironed
5 out with this new report.

6 MS. CARPENTER: And can I just add one thing?
7 Again, this is Ashley Carpenter, with Atkins.

8 Nathalie, I think you're right. I think
9 there was definitely a gap in terms of the
10 reporting that we were reviewing to see if the
11 payments were -- if the whole process was being
12 done in a timely manner. Because Capital will
13 tell you the payments were being done in a timely
14 manner, but the whole process, I think there were
15 some gaps which we definitely filled now. We've
16 worked to really make sure that the proper
17 training has been conducted so that every person
18 in that process of approving a payout understands
19 how long they have to do it and understands, you
20 know, exactly when it needs to be sent back and
21 when it can be moved forward. And then we've
22 tweaked a lot of the process.

23 And I have pulled a lot of data on the
24 projects that RSM had sampled after their
25 timeframe ended, just to see, you know, how we've

1 made improvements. And we regularly review data
2 on the whole program to make sure there isn't a
3 problem. So, I mean, I take your point about the
4 lack of understanding prior to it being brought
5 up in February, but since then we've really,
6 really tightened up the process.

7 DR. LYNCH-WALSH: And were they not being
8 paid in a timely manner the entire -- well, I
9 guess I can't say the entire five years because
10 they weren't in construction, so there was nobody
11 to pay.

12 MS. CARPENTER: Right. And it wasn't -- it
13 certainly wasn't every product. There were a few
14 projects where maybe the -- the really
15 complicated ones where the payoffs had issues
16 with certain DOPs or, you know, that it kept
17 getting sent back for revision and it ends up
18 being the subcontractor then that, I guess,
19 suffers because the whole process takes a long
20 time and the GC doesn't pay the sub until the
21 very end when they get paid. So now we've
22 really, really ironed out a lot of, like Frank
23 said, a lot of the issues. We've also
24 standardized a schedule of values in such a way
25 that every person reviewing it knows what to

1 expect because now they all look much more
2 similar and the formatting is all the same, so
3 it's much easier to review and issues get
4 resolved a lot quicker.

5 MR. GIRARDI: It's now where everything's
6 consistent. It's not each person doing it
7 differently, it's all consistent now.

8 MR. MAYERSOHN: Dr. Walsh, I'm just going to
9 interject because I know Ms. Fertig had a
10 question, her hand up, and I think Ms. Shaw had
11 one.

12 DR. LYNCH-WALSH: And I'm done, actually.

13 MR. MAYERSOHN: Okay. So Ms. Fertig?

14 MS. FERTIG: I have an overall question. So
15 why don't you go to Ms. Shaw on number 9 and then
16 I just have a couple follow-up questions.

17 MR. MAYERSOHN: Okay. Ms. Shaw?

18 MS. SHAW: Hi. My question was about the 30
19 days. Doesn't Florida statute say it's 20
20 days -- 25 days if you have a project manager
21 outside, for example, consultant and 20 days if
22 there's none? How did we get the 30 days?

23 MR. GIRARDI: Go ahead, Ashley.

24 MS. CARPENTER: Yeah, my understanding is
25 it's 30 days from the start of the process unless

1 there's a revision. Once the GC has to revise
2 it, then it is 20 days from the time the district
3 receives it until the time it's paid. If there's
4 no revision it's 20 days.

5 MR. MAYERSOHN: Are you done, Ms. Shaw?

6 MS. SHAW: I am. Thank you.

7 MR. MAYERSOHN: Okay. I see you, Ms. Fertig.

8 MS. FERTIG: Okay.

9 MR. MAYERSOHN: Before you go, these are
10 general questions or -- because I think -- well,
11 let me just do this.

12 Does anybody have any further questions on
13 item number 9?

14 (No response.)

15 MR. MAYERSOHN: All right. You're up.

16 MS. FERTIG: Okay. So I kind of asked some
17 of these last time, but I didn't put it in
18 writing to Joris until yesterday, so my fault
19 here, but of the eight roofing projects that were
20 completed, 7 were constructed on page 19 by one
21 contractor. Who was the one contractor?

22 MR. LUKER: This is David Luker with RSM,
23 that contractor was Atlas-Apex.

24 MS. FERTIG: Okay. And during your analysis,
25 this is a quote, of 80 roofing projects we

1 noticed 26 of the 48 roofing permits issued were
2 obtained by one roofing contractor, we discussed
3 that last time. Of the remaining 22, is it
4 possible for you to send us a follow-up chart of
5 who the roofers were on those other 22?

6 MR. LUKER: Yes, ma'am. We can. We have
7 exchanged that file around this morning, but just
8 had not final produced it for you for the
9 meeting, Ms. Fertig. So we do have that
10 information and are happy to produce supplement
11 to this meeting.

12 MS. FERTIG: Okay. And I just think that
13 it's worth noting, if you -- if you compare those
14 to the projects that are taking, you know, three
15 years to complete, I think that's an important
16 data point. So I would -- I would find that
17 interesting.

18 Also, is it possible to get the chart of the
19 80 schools noting the 48 where permits were
20 issued and the number of days it took to get the
21 permit at each school and the contractor?

22 And I'm asking this for a specific reason.
23 The eight schools you read off, I haven't gone
24 back and gotten the date they were built or the
25 demographic information, but I just want to make

1 sure that this is -- that this is an equitable
2 situation of how roofs are being placed on
3 schools. Some of the schools on this list have
4 been on here for seven or eight years. They
5 don't have roofs yet. I -- that -- that is very
6 disturbing.

7 I just want to make sure that there's nothing
8 that -- that we can show that everything has been
9 applied fairly. So that's my purpose in asking
10 for the chart of 80 schools and I will do what I
11 need to with that.

12 And thank you, David, for an excellent audit.

13 MR. LUKER: Thank you, Ms. Fertig, and, yes,
14 we also have that information that was passed
15 around in addition to the other information you
16 requested, this morning, so we will be producing
17 that as well.

18 MS. FERTIG: Okay. Thank you. Thank you,
19 Mr. Mayersohn.

20 Let me know when you're ready for a motion.
21 I'm sure you will.

22 MR. MAYERSOHN: If there's no additional
23 questions or comments I'm ready for a motion.
24 Ms. Fertig?

25 MS. FERTIG: Yeah, I'm going to --

1 MR. JABOUIN: Mr. Chair, a quick second?

2 MR. MAYERSOHN: Yes.

3 MR. JABOUIN: What I'd like to mention to the
4 committee is, before you make your motion, Ms.
5 Fertig is, we should be transmitting all of the
6 documents, the analysis, the response, the
7 addendum response, and the memo, all that to the
8 Board; if that's okay with the committee.

9 MR. MAYERSOHN: That's okay with me.

10 MS. FERTIG: So my motion would be to
11 transmit all of the documents to the Board. And,
12 you know, I particularly -- I don't know if we
13 want to call out any of these recommendations,
14 but I think there are a number that are really
15 critically important. Obviously, I think just
16 going to the site is a good start. But I don't
17 know if you want to call those out or they're in
18 here so that we can feel comfortable that the
19 Board will see them.

20 So I'm going to move to transmit and I will
21 accept any amendments of what anybody wants to
22 call out in the transmittal.

23 MR. MAYERSOHN: Okay. Do I have a second?

24 MS. SHAW: Second. Phyllis Shaw.

25 MR. MAYERSOHN: Okay. Is there any

1 discussion on the amendment?

2 Dr. Lynch-Walsh?

3 DR. LYNCH-WALSH: Yes, we did not
4 specifically -- yeah, on the motion.

5 So we haven't discussed the memorandum from
6 AECOM and when we transmitted the audit plan the
7 Board took our transmittal as a sign that we were
8 all okay with what was in the audit plan. Since
9 we haven't actually discussed this memo, I'm not
10 saying there's anything wrong with it, there are
11 hinges that are, you know, sort of we plan to do
12 this but there are no details and timelines
13 necessarily. So I'm concerned that if we
14 subsequently have an issue with what's in this
15 memo that they will take us, including this in
16 there, or we could put a disclaimer on there.
17 Because we may subsequently read the memo and
18 have further questions that we don't have today
19 because we haven't discussed it. And we don't
20 really have time to discuss it today.

21 MR. MAYERSOHN: Well here's what -- here's
22 what I'm hearing and -- basically, that there are
23 certain points in this audit that, you know, we
24 should point out specifically for the Board. The
25 other part about some of the timelines and some

1 of the, you know, I'll call it responses, have
2 been, for lack of a better term, I'll call them
3 not in depth and very shallow.

4 So I think that, like we do with a lot of
5 audits that we have, that we want to see that
6 there is a timeline and that the district is
7 adhering to those timelines is maybe something
8 with a follow-up in six months, you know,
9 whatever it may be, so that we can review and
10 ensure that things that were said specifically
11 funding things and other items actually come to
12 fruition. So, Ms. Fertig?

13 MS. FERTIG: Yes, that's good.

14 And a couple things I wanted to call out but
15 I will drop with that, Bob, if you think it's
16 good enough.

17 I like the idea of pulling some of these
18 projects out of line, particularly a project like
19 Northeast where you have roofs that have needed
20 to be repaired for, you know, years. So I -- I
21 kind of think that that was mentioned by the --
22 in this audit and that's something that I think
23 is worth looking at. I -- does anybody else feel
24 the same way or?

25 MR. MAYERSOHN: Dr. Walsh?

1 DR. LYNCH-WALSH: What are you saying, Mary,
2 that you want to pull out --

3 MS. FERTIG: Well, if that would enable us to
4 get roofs over people's heads, I think it's worth
5 looking at, and that's -- and maybe Frank wants
6 to weigh in on it, but I just --

7 DR. LYNCH-WALSH: What would get roofs over
8 people's heads?

9 MS. FERTIG: Pulling it out -- pulling it out
10 of the -- you know, make it -- instead of doing
11 it with the entire project, pulling out the
12 roofing and getting the roof taken care of. I
13 don't know if you could do it on all of them, but
14 I'd just be interested in --

15 MR. MAYERSOHN: Wait, wait a second, Dr.
16 Walsh, let Frank respond to Ms. Fertig's
17 question.

18 I didn't hear you.

19 MR. GIRARDI: Let me make sure I'm unmuted.
20 I was going to say, let Dr. Walsh finish her
21 comment, so that part of the response, I can just
22 have one response.

23 MR. MAYERSOHN: Okay. Dr. Walsh?

24 DR. LYNCH-WALSH: Okay. So, Mary, what I
25 wanted to clarify, because this may not be clear,

1 is the district, and you may have seen these
2 things on Twitter, there's a lot of interior work
3 that's being done instead of roofs because
4 they're having such problems with roof
5 sub-permits. So you will find that bathrooms,
6 media centers, in particular, weight rooms,
7 there's a lot of the interior work already
8 happening, so much so that the only thing left in
9 some place is the roof, HVAC and mechanical.

10 So pulling it out, and this was one of the
11 other things in the RSM audit, I asked the
12 question, if you pull these things out, what's
13 left, and the answer is, all the fluffy stuff is
14 left. Because the roofs and HVAC and mechanical,
15 there's a lot of interconnectivity there. So you
16 would be pulling out the meat and potatoes, which
17 is the problem. The fluffy stuff they're already
18 working on because that's the easy stuff and then
19 they have the pretty pictures to put out there to
20 show that they've done a culinary arts lab or a
21 bathroom or -- you've seen the pictures, or
22 whatever. So the roof and the roofing
23 sub-permits, which we don't even get reports that
24 show the sub-permit date, so it's hard to tell
25 where they are in that possess, and that becomes

1 problematic when there are mistakes, so I wanted
2 to point out that pulling roofs out of, say,
3 Northeast doesn't necessarily help because
4 they've already had to put a new -- they had to
5 get a whole new contractor, and then the new
6 building is delayed because I think they have a
7 new contractor. Blanche Ely, the problem was the
8 roof. So pulling it out, you've got to remember
9 that they -- it's not that they've been doing
10 nothing this entire time, they've just been doing
11 all the stuff that's under the roofs.

12 MR. GIRARDI: And we've looked at some to
13 pull out, but about regards to Northeast, since
14 you did bring that one up, the application's
15 already been submitted. So that Building 12 has
16 already been submitted. We'll be getting that
17 soon. And the balance of the campus, I can't say
18 with total certainty, if it hasn't been submitted
19 it's going to be submitted soon. So we're in the
20 process of getting to the roofs at Northeast.

21 MS. FERTIG: I used Northeast as an example
22 because it's been just such an egregious
23 situation. But I would say, where possible, if
24 it is possible, that I think this is a good
25 strategy. I, personally, just -- I just can't

1 believe that we leave kids sitting in those
2 conditions where the roof is leaking. And I
3 really feel like, if there's a situation where
4 you can fix that -- the decision was made to
5 bundle everything in 2014. I don't know that
6 that was the right decision for some of these
7 roofs. So, where possible, I would like to see
8 them pulled out and completed. If that doesn't
9 work, that's fine.

10 MR. GIRARDI: Okay.

11 MR. MAYERSOHN: Mr. De Meo had a comment.

12 MR. DE MEO: Yeah, you know, I think maybe we
13 should consider transmitting the report so that
14 the Board can act on it. And then maybe we
15 should do two other things, submit our comments
16 on this report separately, and, thirdly, I think
17 we need something that's much broader. Because
18 listening to all the details and all of the
19 excellent work that has been done by members of
20 this committee, I think to ensure going forward
21 that we're not going to have a repeat of
22 something of this magnitude and seriousness, we
23 need to establish best practices, review the
24 current practices and codify them, review the
25 policies periodically. We need to identify

1 experts that can give us what the best practices
2 are and then we need to review the current
3 controls over that area and establish -- revise
4 and establish new ones. And I'll make that a
5 motion if you want. But I can't imagine not
6 going forward in that manner after seeing, and
7 hearing, and listening to what's been happening
8 over these past five years. I just think it's
9 our responsibility to do that. And I would
10 direct those recommendations to the
11 Superintendent and the Building Department and
12 the Board.

13 MR. MAYERSOHN: So is that an amendment?

14 MR. DE MEO: So do you want a motion or -- I
15 don't know what the sense of the committee is,
16 but that's how I feel.

17 MR. MAYERSOHN: The question would be, is
18 that an amendment to Ms. Fertig's motion?

19 MR. JABOUIN: Mr. Mayersohn, may I please say
20 something before you proceed with the motion?

21 MR. MAYERSOHN: Sure.

22 MR. JABOUIN: So in September the Board had
23 asked me to provide the minutes associated to the
24 reports when I present them to the Board.

25 So in this particular case, Mr. De Meo, the

1 minutes are going to be compiled for this meeting
2 as well as the previous meeting, and the previous
3 meeting before that will be included with the
4 report. And so the Board members will be able to
5 read the comments that were made by the different
6 members. So that is there.

7 Also, I wanted to mention to the committee
8 is, the audit plan includes a follow-up. The
9 plan that was approved by the Board in September,
10 there is a follow-up that is called for in the
11 fourth quarter.

12 My thinking is that Mr. Luker and I will need
13 to meet and see where the district is on the
14 findings. Because there are different milestones
15 and commitments that have been made within the
16 findings, and I'm not sure if they will close and
17 there likely will be another follow-up after
18 that. But we do have a follow-up in the plan for
19 this year for the fourth quarter, and I think it
20 requires absorbing all the issues and seeing what
21 the current situation is. And by that time AECOM
22 would have been further into their work, so that
23 would allow for a pretty robust follow-up report.

24 Those are my thoughts to the committee.

25 MR. MAYERSOHN: Okay. Ms. Shaw did you have

1 a question?

2 One second, Ms. Fertig.

3 MS. SHAW: No.

4 MR. MAYERSOHN: Then put your hand down.

5 MS. FERTIG: I like what Mr. De Meo said.

6 Can you just wrap that into the motion and then
7 we're ready to go? And with the minutes I think
8 that will take care of everything.

9 MR. MAYERSOHN: Okay. Dr. Walsh?

10 DR. LYNCH-WALSH: In light of actually what
11 Mr. Jabouin was just saying, because AECOM is the
12 new program manager, in addition, the
13 recommendation, we mentioned the Building
14 Department, but this is less a Building
15 Department issue because they are not in charge
16 of the program. The program manager and Office
17 of Capital Programs is in charge of the program.
18 So in addition to the Board and the
19 Superintendent that's where these recommendations
20 should go. The Building Department can't
21 implement something on its own in a vacuum. It
22 would have to be part of the entire program. We
23 have enough data silence as it is.

24 MR. MAYERSOHN: So one quick question. Mr.
25 Jabouin, do you see this coming back to us at our

1 January 28th meeting 2021?

2 You're on mute.

3 MR. JABOUIN: Thank you. I am on mute.

4 Thank you.

5 So the next step for this is to go to the
6 Board. I'm unsure as to what comments the Board
7 will have after they read everything. Sometimes
8 they do, sometimes they don't. So they're going
9 to have whatever direction that they want to tell
10 me to do.

11 I don't think that there's enough time
12 between January, except for maybe my normal
13 report where I talk about how the different
14 things are going. I think that my intention is
15 to let some time go on and provide a follow-up
16 report.

17 It would appear to me that another follow-up
18 is going to be needed after that as well. But I
19 don't think January is the timeframe, Mr.
20 Mayersohn, for a full comprehensive report.

21 MR. MAYERSOHN: Well, at least just an update
22 of wherever we're at on this.

23 MR. JABOUIN: Oh, sure.

24 MR. MAYERSOHN: So included as part of the
25 motion, wrapping up Mr. De Meo's, you know,

1 comment into Ms. Fertig's motion is, do we also
2 want to include that we will receive some sort of
3 correspondence on this at the January 28th, 2021
4 committee meeting?

5 Does that makes sense to everybody? So at
6 least it's -- we have information so we're not
7 waiting -- you know, at least where it's, here's
8 what we're doing, here's the process, here's
9 where we're at or, you know, we've got everything
10 all done and we're ready to roll it out to you
11 in March?

12 MS. FERTIG: I think that's great.

13 MR. MAYERSOHN: So, Ms. Fertig, do you want
14 to summarize your motion again by Mr. De Meo?

15 MS. FERTIG: Or maybe he doesn't want us to
16 do it. But we are going to transmit the report
17 with the recommendation that they create best
18 practices and we're going to ask for a review by
19 the audit committee and that they develop and
20 implement best practices and that they
21 transmit -- they bring it back to us January
22 28th?

23 MR. MAYERSOHN: Right. At least some form of
24 update, where we're at; correct.

25 MR. DE MEO: Yeah, and that's good. I would

1 just add two other pieces. Identify experts to
2 help implement best practices and to review the
3 controls over the Building Department and make
4 sure they are effective.

5 MR. MAYERSOHN: Okay. Mr. Court Reporter --
6 Go ahead, Mr. Jabouin.

7 MR. JABOUIN: Yeah, it's also important that
8 I have a full understanding of the motion so we
9 can proceed.

10 Mr. De Meo, when you mention identify experts
11 over best practices, my thinking is that RSM is
12 who I will lean on on these best practices,
13 because they know a lot of different clients on
14 that front. So, I mean, I view that as a natural
15 part of the process that's going to happen,
16 regardless, anyway.

17 MR. DE MEO: Yeah, I think RSM certainly
18 would be in the mix, but I'm afraid, unless they
19 have a -- I would say this is a little bit beyond
20 the scope of pure auditing, that you need
21 construction experts that can say what the best
22 practices are. We have members of the committee
23 that have done unbelievable work and they're not
24 construction experts. And I think RSM's report
25 and their work is excellent. But I think it goes

1 beyond that. I think we really need to look to
2 an expert, so that when Dr. Walsh says, you know,
3 I want a response, we get a response that makes
4 sense. And that there aren't children sitting in
5 schools with leaking roofs because we went
6 pursuant to certain policy that doesn't provide
7 for fixing a roof when it leaks.

8 So with all due respect to RSM and everyone
9 else, I would like to see us identify an expert;
10 if that's the desire of the committee.

11 MR. JABOUIN: So you want to say bring in
12 some additional experts beyond the people that
13 we're working with now into some of the thinking?
14 And my question's, obviously, beyond just the
15 motion, just to, you know, make sure that the
16 whole project is moving forward -- the whole
17 program is moving forward as far as the reviews
18 that we do.

19 So, Mr. De Meo, so in addition to the people
20 that we work with now, such as RSM, AECOM or
21 whomever, maybe like Terracon type of group sort
22 of into the picture?

23 MR. DE MEO: Exactly.

24 MR. JABOUIN: Okay.

25 MS. FERTIG: So can I say it this way? And I

1 see my battery's running low so I'll say it
2 quickly. Can I just say that we move to transmit
3 with a recommendation that the Board retain an
4 expert in the area to draft best practices? Does
5 that cover it, Mr. De Meo?

6 MR. DE MEO: Yes, and to review the controls
7 over the Building Department.

8 MS. FERTIG: Okay. That's great.

9 MR. MAYERSOHN: Okay. So motion by Ms.
10 Fertig, second by Mr. De Meo. Is there any more
11 discussion on the motion?

12 Dr. Walsh.

13 DR. LYNCH-WALSH: Couple of things. Because
14 you said the controls over the Building
15 Department, and, remember, the issue is the --
16 there's also an issue of whether the project
17 managers -- because, remember, you have AECOM,
18 you have Atkins. AECOM is the one with all the
19 project managers. They are the ones that are
20 subject to the processes. So if they're not
21 following standard operating procedures for each
22 of the departments, including the Building
23 Department, this is where you're having issues.

24 So if by saying control over the Building
25 Department we are looking at adherence to the

1 controls of the Building Department meeting the
2 standard operating procedures, then I'm fine with
3 that.

4 MR. JABOUIN: I didn't pick that up as being
5 controls of just the Building Department, though.
6 At least that wasn't the form in mind that I had.

7 DR. LYNCH-WALSH: I'm looking for adherence
8 to the SOP, so standard operating procedures.

9 MS. FERTIG: We're talking about roofing.
10 We're talking about roofing, so I just want to
11 make sure that when the Board gets it it's clear
12 that the issue, because we just had a roofing
13 analysis that looked at what the roofing
14 department processes were, but, as Mr. Luker
15 said, they did not look at whether everybody was
16 adhering to the standard operating procedures
17 that are related to roofing.

18 MR. MAYERSOHN: Yeah, but I think -- I think
19 that covers what Mr. De Meo's motion was. I
20 think it covers the SOP as well, so --

21 MR. DE MEO: Yeah, that's my intention.

22 DR. LYNCH-WALSH: The only reason I asked for
23 clarification is when it gets to the receiving
24 end. Because we're on the audit committee and we
25 understand the intent of his motion, but if it

1 isn't clearly indicated, when it gets to the
2 Board it could say something else. That's my
3 concern.

4 MR. MAYERSOHN: Did you get that Mr. Jabouin,
5 that standard operating procedure as well?

6 MR. JABOUIN: I do. And so what I wrote down
7 was to transmit with a recommendation that they
8 develop and commit to best practices and bring an
9 outside consultant and provide an update by
10 January 2021. The consultant would identify best
11 practices and controls. That's what I have.

12 MR. DE MEO: And you and RSM will have a lot
13 to do with that, Mr. Jabouin.

14 MR. MAYERSOHN: All right. So is there any
15 more discussion on the motion?

16 (No response.)

17 MR. MAYERSOHN: Seeing none, all those in
18 favor signify by saying aye.

19 COMMITTEE MEMBERS: Aye.

20 MR. MAYERSOHN: Anybody opposed?

21 (No response.)

22 MR. MAYERSOHN: All right. Does anybody have
23 any additional comments, questions or concerns
24 before we adjourn?

25 Dr. Walsh and then Mr. Jabouin.

1 DR. LYNCH-WALSH: Yes, I just want to quickly
2 -- it seems I have to periodically do this. For
3 those of you who may or may not be following
4 up on your e-mail, on September 15th, which was
5 the day after our last meeting, I received a memo
6 from the Superintendent. I received a memo as
7 the chair of the facilities task force. The task
8 force is being subjected to restrictions and
9 conditions that no other advisory is being
10 subjected to, in that we are not allowed to
11 speak. All of the people you just saw me
12 speaking to, we're not allowed to -- I'm not
13 allowed to speak to when I wear my facilities
14 task force hat.

15 So, in essence, we have the Superintendent
16 violating the Anti-Bullying Policy 5.9 by
17 subjecting an advisory by the disparate
18 application of Policy 1.7. We have a memo that
19 explicitly states, I can't make this up, so it's
20 in your e-mail, I copied everybody, no other
21 district staff member or district contracted
22 vendor will be permitted to communicate with any
23 member of the FTF. All requests for information,
24 correspondence from any FTF appointee will need
25 to be sent through the chair of the FTF through

1 the staff liaison.

2 And it doesn't say -- it says they won't be
3 permitted. So it doesn't explain how this was
4 communicated to staff or what the consequences
5 are.

6 I have taken this up with Barbara Myrick. I
7 gave them a couple of days when I received it,
8 because it was so absurd I actually thought I was
9 being pranked. But if I seem more than usually
10 terse with Frank, it's because on the day that he
11 should have had answers to my questions the first
12 time around, he was likely canoodling with the
13 Superintendent on producing this memo, and is now
14 going to have to live with the consequences of
15 his action.

16 So understand that I have, the executive
17 director to Capital Programs went to the
18 Superintendent and resulted in this memo. We
19 don't know what the consequences are to staff,
20 which is a further violation of the anti-bullying
21 policy if they've been threatened. There's an
22 implied threat in here.

23 But staff is no longer allowed to communicate
24 with anyone, which is creating additional work,
25 unintended consequences. But there is no other

1 advisory that is subject to this treatment, which
2 creates disparate treatment of the Facilities
3 Task Force.

4 And, also, Frank then sent an e-mail to Nora
5 Rupert where he characterized my behavior as
6 bullying or harassing him, which I have no power
7 over him. And to bully or harass someone you
8 actually have to -- there has to be an imbalance
9 of power.

10 However, because he reports directly to the
11 Superintendent and the Superintendent never vets
12 anything for accuracy, we now have a memo where
13 he basically targeted a Board-established
14 advisory group.

15 I do not understand how Runcie got himself
16 talked into this memo and I've had to take
17 Barbara Myrick to task to reference her
18 Professional Code of Conduct, because when
19 officers violate Board policies -- policies of
20 the organization, she has to advise them. I have
21 not heard boo out of them.

22 So, hopefully, everyone can understand that,
23 you know, Frank does things behind the scenes and
24 then cries victim when he's in public and I am
25 less than cordial to him because of all of the

1 shenanigans he's engaged in behind the scenes. I
2 don't engage in behind-the-scenes shenanigans and
3 I don't appreciate it. And this is not the first
4 time that we've been subjected to shenanigans by
5 the district, but it is the first time that the
6 Superintendent actually signed his name to a memo
7 targeting a Board-established group. And today
8 it's the task force, but tomorrow it could be
9 somebody else. But the -- and there are other
10 advisories that are concerned that they could be
11 next. Because nobody else has these
12 restrictions.

13 We also now have a liaison, who basically I
14 have to explain everything to, because our
15 liaison, unless this committee that has the chief
16 auditor as its liaison, our new committee is Ann
17 Marie's former secretary, who just started and
18 had all of this thrown at him. And he can't --
19 he can only speak to me and I can only speak to
20 him, which should be very entertaining at
21 tomorrow night's task force meeting. But this is
22 going on right now and Barbara Myrick has yet --
23 I haven't heard from Donna Korn, who is the Board
24 Chair, but this is going on right now and they
25 are in violation of state statutes and Board

1 policy and Frank is the catalyst for this, once
2 again. He gets very impetuous. And when he's
3 mad at, instead of talking to me, I don't care if
4 he screams at me, I'd prefer that, he goes behind
5 my back and he throws a grenade and then he's
6 surprised that he's blown everything up. And
7 then comes in here and acts like he hasn't thrown
8 a grenade at everybody.

9 So that's why, if I seem more intense, I am
10 doing all that I can given what he is doing
11 behind the scenes.

12 So thank you. I appreciate you letting me
13 vent.

14 MR. MAYERSOHN: You're welcome.

15 Did you have a follow-up to that because your
16 hand's still up.

17 DR. LYNCH-WALSH: Oh, me? No, I'll lower my
18 hand. My follow-ups will be more e-mails.

19 MR. MAYERSOHN: Okay. Are there any other
20 additional comments from any board members?

21 (No response.)

22 MR. MAYERSOHN: Seeing none, Mr. Jabouin, do
23 you have any other additional comments.

24 MR. JABOUIN: I only wanted to thank the
25 committee for the time that you've spent on this.

1 We will go ahead and continue in our reviews of
2 this entire process throughout the year and the
3 years to come.

4 I also do want to thank the Building
5 Department and the Capital Programs Department.
6 The district is under a lot of pressure to get a
7 lot of things done with the schools that you've
8 been reading about, and I appreciate the time
9 that they spent on the responses.

10 So thank you, Mr. Hamberger, Mr. Morgan, Mr.
11 Girardi, as we proceed to make this whole process
12 better. Thank you.

13 MR. MAYERSOHN: And I want to kind of echo
14 the same sentiments, but as well as thank the
15 board members who, you know, came to today's
16 special meeting. I hope that Ms. Disch feels
17 better. So, you know, I hope that Mr. Jabouin
18 had a happy birthday.

19 Are there any additional -- I saw somebody
20 raised their hand. Ms. Fertig, did you have a
21 comment?

22 MS. FERTIG: I just wanted to just ask --
23 well, I'll e-mail you Mr. Jabouin, but just make
24 sure I get those additional materials.

25 And thank you very much to everybody who

1 produced so many documents for us.

2 MR. MAYERSOHN: Right. And I feel very
3 proud, we kind of kept to the time limit. So we
4 did a good job today. So thank you to everybody.

5 Is there a motion to adjourn?

6 MS. FERTIG: So moved.

7 DR. LYNCH-WALSH: So moved.

8 MR. MAYERSOHN: Ms. Fertig made a motion to
9 adjourn, Dr. Lynch-Walsh seconded.

10 All in favor signify by saying aye.

11 COMMITTEE MEMBERS: Aye.

12 MR. MAYERSOHN: Anybody opposed?

13 (No response.)

14 MR. MAYERSOHN: Last chance. We can stay on
15 here for another hour.

16 All right. Have a good day and be safe out
17 there.

18 Thank you.

19 (Meeting was concluded at 4:18 p.m.)
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REPORTER'S CERTIFICATE

STATE OF FLORIDA
COUNTY OF BROWARD

I, Timothy R. Bass, Court Reporter and Notary Public in and for the State of Florida at Large, hereby certify that I was authorized to and did stenographically report the foregoing proceedings, and that the transcript is a true and complete record of my stenographic notes thereof.

I FURTHER CERTIFY that I am neither an attorney, nor counsel for the parties to this cause, nor a relative or employee of any attorney or party connected with this litigation, nor am I financially interested in the outcome of this action.

Dated this 7th day of October, 2020, Fort Lauderdale, Broward County, Florida.



TIMOTHY R. BASS
Court Reporter

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